NEWS, VIEWS and ISSUES

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THE SCOTT REPORT

Nixon Will Adjust Intelligence Corps To Fit His World Plan

By PAUL SCOTT

WASHINGTON — The American intelligence community is preparing for one of the most sweeping realignments since the Central Intelligence Agency (CIA) was established in the late 1940s. It could also become one of the most controversial.

In ordering the shake-up, President Nixon's principal objectives are to tighten White House control over the Government's vast intelligence community and to make it more responsive to changes taking place in U.S. relations with Moscow and Peking.

White House aides say the President hopes to accomplish these objectives in several ways. First, the President plans to replace Richard Helms as director of the Central Intelligence Agency (CIA) with his "own man." This is expected to be James R. Schlesinger, presently chairman of the Atomic Energy Commission and a member of the inner White House circle.

Second, the President plans to drastically cut the budgets of all intelligence agencies by an estimated $500 million. This would mean big cutbacks in personnel and operational funds for the Central Intelligence Agency (CIA), the Defense Intelligence Agency, the National Security Agency, and the intelligence functions of the State Department and military services.

Significantly, the proposed half-billion-dollar reduction is the same figure recommended in a study made by a panel headed by Schlesinger, when he was Assistant Director of the Bureau of Budget. When the Schlesinger recommendation was first circulated by the White House, CIA Director Helms and Defense Secretary Melvin Laird joined forces to successfully oppose it.

With both Helms and Laird now leaving government, the President has once again dusted off the Schlesinger recommendation and now wants the former Virginia University economic professor to see if he can't implement it.

The President would like to see Schlesinger test out some of the ideas he put in papers prepared while Director of Strategic Studies at the Rand Corporation, a government-financed "think tank" at Santa Monica, Calif.

These papers dealt exclusively with how systems analyses could be used to improve political, military, and intelligence decision-making, and cost-cutting in these fields. While at the Rand Corporation, Schlesinger also prepared a study on the cost of nuclear-weapons proliferation which caught the President's eye.

In discussing the need for an intelligence shakeup with aides, the President indicated that he was replacing CIA Director Helms because the latter was not aggressive enough to make the changes he believes are necessary in the intelligence community. Helms, a career CIA employee, was a holdover from the Johnson Administration.

The President's view is that the Government's intelligence roles and missions must be gradually changed to meet the new relationships which exist between the United States and Russia and the United States and Communist China. As contracts and negotiations produce new agreement with these Communist powers, the President is convinced that much of the intelligence now gathered the hard way and at great expense may become available through mutual exchange of information.

This proposed intelligence exchange is an integral part of the risky "partnership for peace" strategy which Dr. Henry Kissinger, the President's national security adviser, has succeeded in getting President Nixon to adopt. Veteran intelligence officers see the realignment as a move by the President and Kissinger to make the intelligence community more responsive to their efforts to use foreign policy to build a new world order.

Since intelligence estimates are used as a key factor in the formation and support of American foreign policy, a tighter control of the national intelligence operations by the White House would greatly increase Kissinger's already tremendous influence in making this policy. As one veteran intelligence aide put it:

"Kissinger wants the intelligence community to support foreign policy, not to help shape it. This could be disastrous since it would result in predetermined estimates of intentions of governments like Russia and Communist China."

Time and events should tell whether this estimate is correct.

INTELLIGENCE FLASHES

The Central Intelligence Agency is circulating a report stating that Russia will attempt to launch a manned space laboratory next Spring — just before April 30th, when the United States is scheduled to put its three-man Skylab into orbit. The Russian version will be relatively primitive by American standards. . . . Admiral John S. McCain Jr., who recently retired after serving his last four years of active duty as U.S. Commander-in-Chief in the Pacific, says he fears a steady deterioration of the American position in Asia once a cease-fire is agreed to in Vietnam. Political pressures, domestic and foreign, will, the Admiral predicts, cause the United States to give up its bases in Japan, Okinawa, and the Philippines. Admiral McCain anticipates the U.S. defense line then will be pulled back to Guam and other islands in the Western Pacific. Such a pull-back, he warns, could shift the balance of power against the United States in

FREE PRESS, Detroit
1 Feb. 1973

White House to Take Over CIA?

WASHINGTON — Of all the brains washed in the whirlpool of the Vietnam war, those in the Central Intelligence Agency have come out, well, relatively clean.

Early in the war, according to the Pentagon Papers, the CIA said that the domino theory — the belief that a communist takeover in South Vietnam would lead to the fall of San Francisco — was hokum.

When the Pentagon was telling us that all the fight was about out of the North Vietnamese and the National Liberation Front, the CIA was not so sanguine.

And long before then Secretary of Defense Robert McNamara was admitting it in public, the CIA was saying that bombing would not significantly hamper the ability of the North Vietnamese to fight.

All of which means that when the CIA wasn't too busy on other intrigues it was right on its assessments of the war, at least some of the time. And it displayed some independent thought.

But even that limited record of success may be jeopardized in the future, says Rep. Lucien Nedzi of Michigan, Democratic chairman of the House subcommittee which oversees intelligence operations.

Nedzi has spent more than a year in a private, intensive study of the nation's intelligence organizations, especially the CIA.

And now that its director, Richard Helms, whom Nedzi considered a professional with no political axes to grind, has been banished to the desert — as ambassador to Iran — the congressman worries that the White House is about to "compromise the integrity" of the agency.

MORE SPECIFICALLY Nedzi and other members of Congress are concerned that the agency may become a handmaiden of administration and Pentagon policy, telling the White House only what it wishes to hear.

Several members of congressional Armed Services committee, including Nedzi, know how the White House and the Pentagon have juggled their own intelligence estimates of Soviet strength — while ignoring more accurate CIA figures — to justify requests for new weapons systems.

For example, there were the frightening Defense Department estimates of the Soviet SS-9 intercontinental missile, which were used as the prime argument for the anti-ballistic missile system.

Well, the ABM has all but sunk from sight — and so has the threat of the SS-9.

Evidence that the White House may be moving to take over the CIA for its own purposes came to Nedzi last year when the President announced an intelligence reorganization to increase efficiency and eliminate waste, duplication and some interagency feuding.

Nedzi concedes that more co-ordinating and reorganization may be necessary. But he learned that none of the agencies, not even the CIA, had been consulted about the reorganization.

Indeed, the CIA, which knows some of the most sacred secrets of our sworn enemies and other foreign governments, knew so little about the reorganization plan that it had to learn about it by sending out for a copy of Newsweek.

The White House, when it announced the reorganization, kept secret the name of the man who planned it. It since has been learned that the author of the plan was James R. Schlesinger, Helms' successor.

Schlesinger has assured concerned members of the Senate Armed Services Committee that the CIA, under his directorship, will remain independent. But skepticism remains...

Schlesinger, with no background in intelligence work, did not talk with members of Congress or leading experts in the field before he wrote his reorganization plan. Presumably those were his instructions from the White House.

Schlesinger, at the time of the study, was chairman of the Atomic Energy Commission, which under his leadership has shown no disposition to challenge the administration's unstinting support for more nuclear power plants — in spite of mounting evidence for a more cautious policy.

BEFORE JOINING the AEC, Schlesinger, a Harvard graduate (no relation to Arthur), was assistant director of the White House power center, the office of management and Budget.

An economist and a Republican, Schlesinger had been a senior staff member of the RAND Corp., a Pentagon think-tank in California, and later director of strategic studies there, before joining the administration in 1969.

At RAND Schlesinger was chiefly concerned with problems of budget and management in government and was an admirer of McNamara's cost-effectiveness-system analysis approach.

Nedzi figures the CIA and other intelligence outfits could use a super-manager like Schlesinger. But the congressman is concerned with who will run actual intelligence operations and policy, and whether the White House, even occasionally, will be listening to something it doesn't wish to hear.

NEW YORK TIMES
11 February 1973

WHITE HOUSE STAFF UNDERGOES SHAKEUP

WASHINGTON, Feb. 10 (UPI) —President Nixon has announced a shakeup of the White House staff involving 13 persons.

Raymond K. Price Jr., head of the speech writers' team, will become a special consultant to the President with a "broader range of functions," and his successor, David Gergen, will have the title special assistant to the President."

Patrick J. Buchanan, another top speech writer, will become a special consultant to the President, but will continue to oversee the preparation of Mr. Nixon's daily news summary. Lee Huebner, designated special assistant, will continue as a speech writer.

The assistant director of the Domestic Council staff, Dr. Edwin Harper, resigned to return to private life, it was announced Monday.

Comdr. Alexander Larzelere, who served in the Nixon-created post of Coast Guard aide since November, 1971, will be reassigned to Coast Guard headquarters and his position eliminated.

David Parker was appointed to replace Dwight Chapin as special assistant in charge of scheduling Presidential appointments. Mr. Chapin will become a marketing executive with United Air Lines.

Stanley S. Scott, assistant director of communications, will become the highest ranking black in the White House as the Administration's liaison with minorites, succeeding Robert J. Brown.

Lawrence M. Higby, another staffer member, was named deputy assistant to the White House chief of staff, H. R. Haldeman, and Steve Bull, staff assistant, became special assistant. Other staff members designated as special assistants were Bruce A. Kehrli and Jerry H. Jones.

JAPAN TIMES
7 FEBRUARY 1973

Helms Says Firms Not Used for Spying

WASHINGTON (Kyodo-Reuter) — Richard Helms, former chief of the U.S. Central Intelligence Agency, said Monday the agency exchanges information with major U.S. corporations but declared it has not used the firms for espionage purposes.

Helms, in his first public appearance before a congressional committee since he left the post of CIA director, told the Senate Foreign Relations Committee the agency had not used the International Telephone and Telegraph Co. (ITT) for espionage purposes.

The former CIA director, who has been nominated to be U.S. ambassador to Iran, was responding to questions from committee chairman Sen. William Fulbright about allegations that the CIA had close links with major U.S. corporations, especially ITT.

CHRISTIAN SCIENCE MONITOR
12 February 1973

William Rogers, underrated

By Benjamin Welles

Contrary to common belief William P. Rogers is proving an exceptionally effective Secretary of State.

This is not to say that Mr. Rogers has, in four years, become an expert on the past history or current mechanics of foreign policy. He has a finely honed lawyer's mind and he has learned much; but he is not a man given to introspection or to a nighttime work load.

Nor is it to say that he has won the fierce loyalty and support of the 17,000 men and women who staff the State Department and the 108 United States diplomatic missions at home and abroad. Mr. Rogers's management skills are not manifest today either in the turgid organization or in the tepid morale of the foreign service.

Yet the widely held assumption that somehow Mr. Rogers is being "humiliated" by Henry A. Kissinger's preeminence as President Nixon's foreign policy expert falls wide of the mark. If it was ever true — it no longer is, and Mr. Rogers's standing with President Nixon remains high. Why?

Because he has been brilliantly effective in the role for which Mr. Nixon originally picked him, and which he has carried out ever since with visible success. He has kept Congress "off the back" of the Nixon administration for four years.

"Bill Rogers is Nixon's defensive back — assigned to block Congress," said a high-ranking State Department official. "That's his job and he's good at it. Kissinger handles the details of foreign policy."

Consider the facts. During the latter years of the Johnson administration Secretary Rusk and Undersecretary Katzenbach were frequently called to testify before the Senate Foreign Relations Committee. As tempers rose and each side dug in consultation turned to confrontation. Who can ever forget the hostile eight-hour grilling to which Rusk was subjected under television lights in 1968?

Nonetheless the result — though a standoff — gave the nation the impression that its elected representatives — Fulbright, Cooper, Church, and others — were challenging the administration and providing an elected focal point for resistance to the Vietnam war.

In the four past years, Kissinger — the President's closest foreign policy assistant — has been allowed to brief congressional groups infrequently and privately. But he has never testified publicly despite repeated requests. The reason? "Executive privilege."

The Secretary of State on the other hand has been available virtually any time the Foreign Relations Committee, or other appropriate congressional group, has asked him. The problem today is that they are increasingly disinclined to ask him.

Smiling, friendly, posing handsomely for the photographers, exuding bonhommie, Mr. Rogers has repeatedly beguiled the bulk of the Senate Foreign Relations Committee with bland, honeyed words — rendering it toothless.

"You can't get mad at Bill," one committee member acknowledged ruefully. "He's so darned nice. He makes everything seem so reasonable, and it's only after he's gone that you realize he hasn't told us anything we couldn't read in the papers."

This may make good politics; but one may legitimately ask if it makes good policy. Should the Senate Foreign Relations Committee with its constitutional role as watchdog over the nation's foreign policy be fobbed off year after year with smiling obfuscation? Or be reduced to mumbling futility?

True, the fault may well lie — rather than with Mr. Rogers — with the committee's own lack of dynamic leadership; with its own internal quarrels; with its own protracted failure to use its skilled staff to advantage. From every current indication the Foreign Relations Committee will continue, in the remainder of the Nixon administration, to decline in effectiveness and prestige.

But while the Nixon administration may appear to be "winning," the ingrained American concept of checks and balances — the very essence of democratic adversary government — appears to be losing.

Mr. Rogers may be carrying out his assigned task too well.

There is every indication that he is pleasing his leader.

"Bill Rogers isn't just being a good soldier, suffering silently while Kissinger does the work," said a senior official. "He loves being Secretary of State — the aura of power, the publicity, the glamor. And with John Mitchell gone, Rogers is the only man in the Cabinet whom Nixon regards as a personal friend. He can be Secretary of State as long as he likes."

Mr. Welles, for many years on the staff of the New York Times, is now an independent commentator on what goes on in Washington.

WASHINGTON POST
2 February, 1973

Kennedy Ties White House To '72 Spying

By Carl Bernstein and Bob Woodward
Washington Post Staff Writers

Sen. Edward M. Kennedy has reported uncovering evidence that "strongly indicates" White House involvement in "a wide range of espionage and sabotage activities" during the 1972 presidential campaign.

The evidence "strongly indicates . . . that one key participant was in repeated contact with the White House, the White House convention headquarters, and White House aides during relevant time periods," Kennedy wrote in a letter to Sen. James O. Eastland (D-Miss.).

"At least part of the financing was arranged through a key Republican fund-raiser who is a close associate of President Nixon's," the letter, dated Jan. 22 and made public yesterday, said.

Despite the evidence, Kennedy said, both the White House and the Justice Department failed to substantially investigate any of the undercover activities except those directly involving the bugging of the Democrats' Watergate headquarters.

Informed of the Kennedy letter early last night, a spokesman for the White House said there would be no comment.

The thrust of Kennedy's statements parallels news reports since October that the Watergate bugging stemmed from a White House-inspired campaign of espionage and sabotage against the Democrats.

But Kenndy, whose Subcommittee on Administrative Practice and Procedure has been investigating such allegations since Oct. 12, is the first public official to claim that he has documentary evidence of the undercover campaign's existence.

Sources on Capitol Hill reported that the Kennedy Subcommittee's investigation found extensive involvement of several White House officials and presidential aides at the Nixon re-election committee, in addition to the two persons cited but not named in the senator's letter.

The sources identified the "key participant" who was in contact with the White House as Donald H. Segretti, a 31-year-old California lawyer allegedly hired as a political *agent provocateur* by Dwight L. Chapin, Mr. Nixon's appointments secretary.

The "close associate of President Nixon" who allegedly helped arrange part of the financing for the sabotage and espionage was identified as Herbert W. Kalmbach, the President's personal lawyer and former deputy finance chairman of his re-election campaign.

The information developed by the Kennedy Subcommittee was described as "devastating" and "appalling" by a Republican senator who said he had seen only part of it.

It is known that the Kennedy Subcommittee subpoenaed bank and telephone records, some of which showed that Kalmbach made payments and phone calls to Segretti and other persons who allegedly worked as spies and saboteurs against the Democrats.

Though some of these spying activities were uncovered by the FBI during the Watergate bugging investigation, federal sources have said that the activities were not fully investigated because many of them skirted the edge of the law or did not have a direct relationship to the Watergate bugging.

It had previously been reported that Kalmbach paid Segretti about $35,000 in Nixon campaign funds to work against the Democrats. Capitol Hill sources said that the evidence uncovered by Kennedy shows that "substantially more" money was funneled through Kalmbach to finance clandestine political activities.

The sources also reported that Kalmbach and Segretti declined to provide voluntarily information to investigators for the Kennedy subcommittee and were subsequently subpoenaed to testify at a closed-door hearing scheduled for the middle of January.

The hearing was postponed because of scheduling difficulties but the terms of the subpoenas make Segretti and Kalmbach subject to future call, the sources said.

"Kennedy's statements were on two pages of an 11-page letter to Eastland, chairman of the Senate Judiciary Committee. The letter was an attachment to the 1973 budget request for Kennedy's Subcommittee. It said in part:

"The information gathered thus far by the Subcommittee strongly indicates that a wide range of espionage and sabotage activities did occur during the recent presidential campaign, and especially its primary phase; that these activities were planned and initiated no later than the middle of 1971; that one key participant was in repeated contact with the White House, the White House convention headquarters, and White House aides during relevant time periods; that at least part of the financing was arranged through a key Republican fund-raiser who is a close associate of President Nixon's; and that neither the federal criminal investigation nor the White House administrative inquiry included any substantial investigation of the alleged sabotage and espionage operations apart from those surrounding the Watergate episode itself."

In his letter to Sen. Eastland, Kennedy made these additional points:

- "Subpoenas were utilized to obtain records of various types and . . . were also served on individuals who declined to volunteer information to the Subcommittee's investigators."
- The forthcoming investigation planned by Sen. Sam J. Ervin (D-N.C.) "will require the calling of various Executive Branch and White House personnel with the attendant problems that course entails."

Kennedy's letter said the Subcommittee began its investigation after "the public questioning of the integrity of a criminal investigation headed by a designated surrogate campaigner for President Nixon and of an administrative inquiry conducted by the White House counsel, when the Nixon re-election committee was the principal subject of the investigation . . ."

The "surrogate campaigner" referred to by Kennedy is Attorney General Richard G. Kleindienst, under whose auspices the Justice Department investigation of the bugging was conducted.

The White House counsel is John W. Dean III, who conducted an inquiry for President Nixon that concluded that the White House and re-election committee were not involved in the Watergate incident.

Though Kennedys Subcommittee conducted the preliminary inquiry into the espionage allegations, Kennedy has said that he is willing to have Sen. Ervin take over the investigation so it will not be open to partisan charges. Ervin, also a Democrat, has a relatively nonpartisan reputation.

In his letter, Kennedy anticipated that presidential aides would not willingly testify, and said he supports a "strong special resolution" by the Senate to grant broad subpoena power.

On the matter of executive privilege, Charles W. Colson, special counsel to President Nixon, said yesterday that he anticipates a fight with Sen. Ervin over whether he will testify at public hearings on the espionage activities.

In a television interview with Elizabeth Drew last night on WETA, the Public Broadcasting Service, Colson indicated that he expects to be called at the Ervin investigation because he is a personal friend of Watergate defendant E. Howard Hunt Jr., and had recommended Hunt for his job as a White House consultant.

Hunt, a 21-year veteran of the CIA, pleaded guilty last month along with four others to all charges against them in the Watergate trial. Two other defendants—both former senior officials in the Nixon re-election campaign—were convicted in the case Tuesday.

Colson said that "the question of the confidentiality of the relationship of a personal adviser to the President (executive privilege), or personal adviser to a member of Congress, is something that survives whether you're still on the White House staff or not . . ."

Colson is leaving the White House March 1 and indicated that he might be unwilling to testify in detail about matters that involved White House business.

However, he said: "I'd be happy to tell Sen. Ervin or anyone else exactly what I've just said to you, which is that I had no knowledge or involvement in the Watergate."

In his press conference Wednesday, President Nixon seemed to place a narrower interpretation on executive privilege, saying "the general attitude I have is to be as liberal as possible in terms of making people available to testify before Congress."

He added: "Where the matter does not involve a direct conference with or discussion within the administration, particularly where the President is concerned and where it is an extraneous matter as far as the White House is concerned . . . we are not going to assert it."

This would seem to apply to hearings on the Watergate case since the White House has either denied involvement or said it would not "dignify" the charges with a comment.

WASHINGTON POST
3 February, 1973

Watergate Judge Scolds Prosecutor

By Lawrence Meyer
Washington Post Staff Writer

The presiding judge in the Watergate bugging trial criticized the prosecution's handling of the case yesterday and said he hopes that an upcoming Senate investigation "would try to get to the bottom of what happened in this case."

"I have not been satisfied and I am still not satisfied that all the pertinent facts that might be available—I say might be available—have been produced before an American jury," Chief U.S. District Judge John J. Sirica said yesterday during a post-trial hearing.

Sirica also said that he has "great doubts" that an important prosecution witness "told us the entire truth in this case."

The judge said he has given the government a list of names of persons with a suggestion that they be called to testify before the grand jury. Principal Assistant U.S. Attorney Earl J. Silbert, the chief prosecutor during the trial, said he has no plans to eall anyone other than the seven defendants in the trial to testify.

Silbert said that of the six persons on Sirica's list (Sirica ordered their identities be kept secret), five already had appeared before the grand jury prior to an indictment's being returned Sept. 15. The sixth person's name, Silbert said; "never came up directly or indirectly, however remotely, during the investigation of this case."

Sirica's remarks in court yesterday were in the nature of a spirited defense of the way he conducted the trial of seven men on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the break-in and bugging of the Democratic National Committee's Watergate headquarters.

The trial begn Jan. 8 with seven defendants and ended Jan. 30 with the conviction of two—G. Gordon Liddy, former White House aide and finance counsel to the Committee for the Re-election of the President, and James W. McCord Jr., former committee security director.

The five other defendants, including former White House aide E. Howard Hunt Jr., all pleaded guilty earlier in the trial.

Sirica heard arguments yesterday requesting that he set bail for McCord and Liddy, who were held without bond in the D.C. jail. In the course of the hearing, Sirica responded to critical statements about the conduct of the trial made by McCord's lawyer, Gerald Alch, in papers he filed.

Both before and during the trial, Sirica had said he wanted to find out if anyone besides the seven defendants was involved in the Watergate affair. Alch said Sirica acted like a prosecutor in questioning witnesses, including former Nixon campaign committee treasurer Hugh W. Sloan Jr.

"I don't think we should sit up here like nincompoops, I'll put it that way," Sirica said in response. "I have great doubts that Mr. Sloan has told us the entire truth in this case. I will say it now and I indicated that during the trial."

Sloan testified during the trial that, with the authorization of his superiors on the committee, he had turned over about $199,000 to Liddy but that he had no idea what the money was for or how it was spent.

"I felt that neither of you—government or defense—asked Mr. Sloan any questions," Sirica said. "I had a right to question him to see that all the facts were brought out."

Sloan told Sirica that he resigned from the committee because of the Watergate affair. He is known to have told friends that he quit because he did not approve of what was happening at the committee.

Sirica referred to the Senate investigation that Sen. Sam Ervin (D-N.C.) is expected to conduct into the Watergate affair and related charges that the re-election committee supported a broad campaign of espionage and sabotage conducted against the Democratic presidential candidates.

"Everybody knows that there's going to be a congressional investigation in this case," said Sirica, a Republican appointee. "I would frankly hope, not only as a judge but as a citizen of a great country and one of millions of Americans who are looking for certain answers, I would hope that the Senate committee is granted the power by Congress by a broad enough resolution to try to get to the bottom of what happened in this case. I hope so. That is all I have to say."

Sirica also upbraided McCord's lawyer, Alch, for divulging a portion of a statement contained in a transcript Sirica had ordered sealed. "I am strongly considering referring this to our grievance committee," Sirica told Alch. "Your conduct, I think, deserves censure."

Alch explained that the breach of the order—quotation of a short passage—was done inadvertently by him. "I didn't mean to antagonize you," Alch told Sirica. "You didn't antagonize me, but you shouldn't have done it," Sirica replied.

Sirica set bond for Liddy and McCord at $100,000 each. Both have indicated that they cannot afford that amount and will try to have the amount reduced. In the meantime, Sirica said he is transferring Liddy to the federal prison at Danbury, Conn., with Liddy's assent.

McCord will be transfered to the federal prison in Petersburg, Va., if he wishes, Sirica said. Hunt is free on $100,000 bond, pending sentencing.

The four other defendants who pleaded guilty—Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzales—also will be sent to Petersburg from the D.C. Jail, Sirica said.

WASHINGTON POST
4 February, 1973

Bug Case Witness Decries Attacks By Judge at Trial

By Carl Bernstein and Bob Woodward
Washington Post Staff Writers

Hugh W. Sloan Jr., the former treasurer of President Nixon's re-election campaign, said yesterday that "attacks that have been made on my integrity" by the judge in the Watergate bugging trial, "are totally unwarranted."

In a prepared statement issued to reporters, Sloan reiterated his testimony given as a witness in the trial that he had no foreknowledge of the bugging or other clandestine activities against the Democrats.

He said he had fully answered all questions asked by U.S. District Judge John H. Sirica, who presided over the trial, and those asked by the federal grand jury that investigated the incident.

Sloan noted in his statement that, on Friday, Sirica "for the third time publicly questioned the truthfulness and completeness of my testimony in the Watergate trial." He added, "I strongly resent the implications of Judge Sirica's statements."

Under questioning by Judge Sirica, Sloan had testified in the trial that former Secretary of Commerce Maurice H. Stans and Former Attorney General John N. Mitchell both verified that another campaign official could approve cash payments to one of the Watergate conspirators for intelligence-gathering operations. Earlier, Sloan had been asked by the prosecution if that other campaign official—deputy director Jeb Stuart Magruder—had authority to approve such payments and Sloan answered affirmatively without mentioning Stans or Mitchell.

Federal investigators have said that Sloan, a former White House aide, cooperated fully in their investigation of the Watergate case and that his testimony in the trial was consistent with what he told them earlier.

However, they said last week, both the prosecution and Judge Sirica failed to question Sloan fully during the trial about this knowledge of cash payments that funded extensive espionage and sabotage activities aganst the Democrats.

The investigators said Sloan did not know the money would be spent on clandestine operations when he made the payments and that he quit as treasurer of the Nixon campaign when—after the Watergate break-in—he learned the purpose of the expenditures.

On the witness stand, Sloan was asked only about expenditures of $234,000 in cash that had been received by one of the convicted Watergate conspirators, former White House aide G. Gordon Liddy.

According to investigators, at least $500,000 to $650,000 more—also disbursed by Sloan from a safe in Stans' office—was spent on clandestine activities undertaken by the Nixon campaign. Those expenditures also were made with the approval of high presidential aides and advisers, according to the investigators.

On Friday, Judge Sirica said "I have not been satisfied and I am still not satisfied that all the pertinent facts" in the

WASHINGTON POST
2 February, 1973

After the Trial: Unanswered Questions

Well, the Watergate trial is over. Two defendants have been convicted and five others have pleaded guilty. We take no joy in those facts. Seven men's lives are to be changed and so are those of their families. And yet, for all that, there is an unsatisfactory sense that all that was rotten in Denmark is still largely in place. For, what is at issue in the whole Watergate-campaign espionage episode is not merely whether some men were or were not guilty of breaking and entering some offices in the Watergate complex, but rather how badly the electoral process has been mangled and abused, and by whom. The conclusion of the trial leaves much of that right where it was before court was convened.

There is now no longer any question about the fact that the Watergate operation and others directed at Sens. Muskie and McGovern were financed by Republican campaign money. Nor, despite vehement denials by top Republican campaign figures, is there any longer any question that there was a secret fund—nor any question that very large sums of unsupervised cash were floating around in the President's campaign. The questions remaining have to do with precisely how widespread the espionage activities were, exactly who directed and authorized them and how strong an effort those in authority made to get to the bottom of the whole affair once aspects of it had come to light.

Confirmation of some of the press reports (greeted at the time of publication by artful denials on the part of campaign officials) concerning the extent of the espionage operation has come in a letter reporting the preliminary findings of the Senate Judiciary Committee's Subcommitte on Administrative Practice and Procedure. In that letter to Chairman Eastland, Sen. Kennedy reports that the committee's information "strongly indicates that a wide range of espionage and sabotage activities did occur during the recent presidential campaign." The Kennedy letter goes on to note close White House contacts of one of the "key participants" and also indicates that some of the financing was arranged "through a key Republican fund-raiser who is a close associate of President Nixon's." Finally the Kennedy report notes that neither the criminal investigation nor the administrative inquiry conducted in the White House "included any substantial investigation of the alleged sabotage and espionage operation" apart from those surrounding the Watergate incident.

But, even more than that still remains on the table. The trial brought out the fact that an amount close to a quarter of a million dollars was made available for the "intelligence operations." Even the operations scrutinized at the trial were something other than purely defensive intelligence gathering. Tom Gregory testified about how he attempted to penetrate the highest levels of the Muskie and the McGovern campaigns. And at whose authority was all of this financed? Judge Sirica elicited the fact that John N. Mitchell and Maurice Stans verified the authority of the deputy campaign director to disburse huge amounts of unaccounted cash for the intelligence operation.

Yet the trial leaves the impression that no one in authority knew how that quarter of a million dollars was spent, and to this day, the bulk of that money is unaccounted for. It leaves one a bit breathless to contemplate the expenditure of that kind of money with no one in a responsible position knowing what it was going for in the campaign of a President who prides himself on being an efficient administrator. That puzzle too is still on the table.

Thus, Judge Sirica's question about the authorization for the expenditure of the money and the purposes to which it was to be put are basic. Two of Mr. Nixon's closest advisers, a former Attorney General and a former Secretary of Commerce authorized the payments. But how much did they know? What did they think the money was buying and how did they think the information some of it had purchased had been acquired? Who else knew about this and how high in Mr. Nixon's councils were they? And, for that matter, are some of them still there?

These are important questions not simply because curious circumstances elicit large amounts of curiosity, but because the higher the authority for all of this dirty business and the broader its scope, the more the electoral process was mangled. And the questions are important because the integrity of the government and its investigative and reporting operations are very much on the line here too. Finally, it is important because it is necessary before the next election for the Congress and for the people to draw some lines between what is legitimate campaign conduct and what is criminal behavior and to decide what to do about huge amounts of cash sloshing around in presidential election campaigns.

The trial is over. But heavy questions still remain and a great many thoughtful people are ashamed by what we have learned. But it is even worse than that when one contemplates Sen. Mansfield's basic truth, "The question is not political, it is constitutional." Therein lies the essence and the importance of the task that congressional investigators will probably have to complete if the public is ever to be told the truth about this demeaning and destructive business.

case were brought out at trial,' and added: "I felt that neither . . . the government nor defense asked Mr. Sloan any questions"

On the basis of Sloan's appearances on the witness stand, said Sirica, "I have great doubt that Mr Sloan has told us the entire truth in this case. I will say it now and I indicated that during the trial."

According to investigative sources, Sloan had made known that he would willingly testify about all money allegedly spent for undercover operations, who authorized the payments and who received them.

However, government prosecutors told him before he was called as a witness that such testimony was unnecessary to prove their case, the sources said. They reported that the prosecution told Sloan he would be asked only about the $234,000 received by Liddy and whether Magruder had approved disbursement of the money—and not about Stans, Mitchell and other presidential aides and advisers.

It was shortly after the prosecution had asked Sloan about Magruder's approval that Sirica began asking his own questions and elicited the testimony about former Commerce Secretary Stans, the finance chairman of the Nixon campaign, and former Attorney General Mitchell, the President's campaign manager.

In his statement yesterday, Sloan said: "I state categorically, as I have previously under oath, that I had no foreknowledge or involvement in the so called Watergate affair. . . . I have fully answered all questions put to me before the federal grand jury and at the Watergate trial itself, including all questions asked by Judge Sirica."

WASHINGTON STAR
4 February 1973

Link Between Watergate Team, Segretti Seen

By BARRY KALB
Star-News Staff Writer

Government officials say Watergate defendants E. Howard Hunt Jr. and G. Gordon Liddy may have been giving information obtained in one aspect of the Watergate operation to Donald H. Segretti, the man most frequently named as an agent in an alleged Republican espionage-sabotage campaign.

The remark came as official sources confirmed in detail certain aspects of what has been described unofficially as a broad campaign of political espionage and sabotage conceived by the White House and carried out against Democratic candidates during the recent presidential election campaign.

The sources say that there is evidence — which they emphasize is not conclusive — that Hunt and Liddy were at one point giving Segretti information they had obtained from a young student they had hired to infiltrate the primary campaigns of Sens. George S. McGovern, D-S.D., and Edmund S. Muskie, D-Maine.

The sources agreed to discuss the situation now that the Watergate trial is over, on the condition that they not be identified. However, their remarks are based on knowledge of the Justice Department probe of the Watergate affair, which was backed by the full subpoena and investigatory powers of the federal government.

Among the allegations and suspicions confirmed by the sources were the following:

- Segretti, a California attorney, reported to and was apparently hired by Dwight Chapin, whose resignation as appointments secretary to the President was announced last week amid reports that he had been forced out because of his involvement with Segretti.
- Segretti was paid about $35,000 in money raised for President Nixon's re-election campaign, and the money was given Segretti by Herbert W. Kalmbach, a lawyer practicing in California who handles some of the President's personal matters and who was one of the original fundraisers for the re-election campaign.
- It appears that Liddy and Hunt were deeply involved in some kind of political intelligence operation stemming from the time when both were White House consultants even before Liddy, then counsel to the Committee for the Re-election of the President, was assigned by committee superiors in late December of 1971 to obtain information on possible campaign violence.

It appears that this espionage operation eventually blossomed, with CRP money given Liddy for ostensibly legitimate purposes, into the bugging of Democratic headquarters.

Almost all of these points have been raised before, some of them as early as last October, and more recently in a letter — made public on Thursday — from Sen. Edward M. Kennedy, D-Mass., to Sen. James O. Eastland, D-Miss., revealing partial results of a Kennedy subcommittee investigation into the alleged espionage-sabotage operation.

Now they have been confirmed by sources familiar with the government investigation, which included interviews of Segretti, Chapin and Kalmbach by prosecutors, the FBI, and in some cases the grand jury.

Student Recruited

Testimony at trial showed that in early 1972, Hunt recruited Thomas J. Gregory, a student at Brigham Young University, to volunteer for Muskie and McGovern.

Gregory testified that he was paid to provide Hunt with such information as campaign schedules and the topics of the candidates' upcoming speeches. Testimony also showed Liddy working with Hunt on Gregory's operation.

The government sources say that at the same time Gregory was beginning his undercover operations, Hunt and Liddy somehow came in contact with Segretti.

The full extent of Segretti's activities was not determined by the investigation into the Watergate affair, the officials said, but the investigators did learn that at the very least Segretti was appearing at Democratic rallies in order to heckle and ask questions he knew would be embarrassing to the candidates.

Again emphasizing that they have no conclusive proof, the sources say they turned up indications that Hunt was taking information from Gregory on, say, a Muskie speech, and turning it over to Segretti, who would use this information to formulate embarrassing questions for the candidate in advance.

More is not known about the Segretti operation because, as the prosecutors — Asst. U.S. Attys. Earl J. Silbert, Seymour Glanzer and Donald Campbell — have admitted, they let the matter drop once they concluded that no illegality was involved.

First, was Chapin acting on his own in hiring his old schoolmate, Segretti, or did he act with the knowledge of his immediate superior, White House chief of staff H. R. (Bob) Haldeman?

The sources say they uncovered no evidence that Haldeman was aware of Segretti.

Second, did Kalmbach know why he was paying Segretti? "He just said he was asked to disburse money," one source said, quoting Kalmbach's statements to Watergate investigators.

Third, just what was Segretti doing? The investigation showed, as previously stated, that he spent a good deal of time at Democratic rallies.

In addition, one source said, Segretti would pose as a worker for one Democratic candidate while attempting to recruit people to spy on another Democratic candidate.

But the sources point out that Segretti is not a man the government investigators felt they could trust.

The sources feel, however, some questions remain about the White House role.

The government investigation failed to determine exactly how Hunt was drawn into the Watergate affair. Testimony showed that "towards the end" of December 1971, CRP officials allotted Liddy some $250,000, primarily to gather intelligence on potential campaign violence.

The prosecution also introduced evidence showing that Hunt attempted to recruit an old CIA buddy, Jack Bauman, for some kind of campaign security job, and that about Dec. 28, 1971, Hunt and Liddy met Bauman in Florida.

But a letter on White House stationery from Hunt to Bauman, introduced by the prosecution, was dated Dec. 20, and by its tone it appeared Hunt had had at least several days to work on whatever arrangements he wanted Bauman to join.

Therefore, it appears that Hunt was working on some kind of intelligence operation by at least mid-December, before Liddy received his assignment from the Nixon re-election committee.

California Trip

Liddy and Hunt, close personal friends, both had been White House consultants since the summer of 1971. Hunt was reportedly working around that time at gathering unfavorable information on Kennedy, then considered a possibie 1972 opponent of Nixon.

In addition, the sources pointed out, as early as September 1971, Liddy and Hunt flew out to California together, using assumed names.

Part of Liddy's consultant's job was to gather intelligence on illegal drug traffic, and the officials say that at least part of Liddy's purpose for that September trip to California was to confer with federal narcotics officials there.

But, one of the sources then asks, "What was Hunt doing going along on that trip?"

WASHINGTON STAR
6 February 1973

HELMS SAYS CIA DIDN'T BUG DNC

Former CIA Direcor Richard Helms said yesterday the agency had nothing to do with the bugging and wiretapping of Democratic National Committee headquarters at the Watergate.

He said two former CIA agents who participated in the raid, E. Howard Hunt Jr. and James W. McCord Jr., were no longer connected with the intelligence organization, and that "I have no control over anyone who left."

He told the Senate Foreign Relations Committee, when Chairman J. William Fulbright, D-Ark., asked him about the Watergate case, that "they both have been retired at least two years."

Helms, being succeeded at the CIA, appeared yesterday at the confirmation hearing on his nomination to be ambassador to Iran.

WASHINGTON POST
7 February, 1973

Haldeman Aide Called Link in Spy Nets

Strachan Named as Coordinator

By Carl Bernstein and Bob Woodward
Washington Post Staff Writers

A former assistant to White House chief of staff H. R. Haldeman served as the initial link between separate undercover operations conducted against the Democrats by Donald H. Segretti and convicted Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy, according to a federal official.

The official, who has been involved in the Watergate investigation since its inception, identified the former White House aide as Gordon Strachan, who was appointed general counsel of the United States Information Agency by President Nixon in December.

While Strachan was working at the White House in January, 1972, the federal official reported, he supplied Liddy with the name and telephone number of Segretti and told him Segretti was already conducting espionage and sabotage activities against Democratic presidential candidates on behalf of the White House. According to investigators, Segretti was recruited for that job by another key assistant to Haldeman, presidential appointments secretary Dwight L. Chapin.

At the time Strachan supplied Segretti's name, the federal official said, Liddy and Hunt were conducting similar activities against the Democrats on behalf of the Committee for the Re-election of the President.

After Liddy received Segretti's name from Strachan, Segretti also began working for Hunt and Liddy and some of the undercover operations of the White House and the Committee for the Re-election of the President were merged, the federal official said.

The official, as well as federal investigators, said that neither Chapin, Strachan nor Segretti was involved in the bugging or break-in at Democratic headquarters at the Watergate here.

According to the federal official, Liddy called Strachan when undercover operatives working for Hunt and Liddy kept spotting someone they believed was also a political spy at rallies for Democratic candidates.

At that point, the official said, Liddy asked Strachan if the suspected spy was working for the White House and "asked Strachan who the White House had working in the field."

Strachan then provided Segretti's name and phone number to Liddy, and—in early February—Hunt, Liddy and Segretti met in Miami, the federal official said.

It turned out that the person who had been spotted by the Hunt-Liddy operatives was not Segretti, the official said, though he might have been someone working for Segretti. At the Miami meeting, the official added, Segretti agreed to take on spying and sabotage assignments from Hunt and Liddy.

Investigators had previously told The Washington Post that Segretti had reported on his activities to both Hunt and Chapin, whose resignation as President Nixon's appointments secretary was announced last week.

It had also been previously reported that Strachan played a role in the alleged hiring of Segretti by the White House. Strachan, Segretti and Chapin were all undergraduates together at the University of Southern California.

Both Chapin and Strachan are among the aides closest to Haldeman, the chief of the White House staff and probably the man closest to President Nixon. The White House, in confirming Chapin's decision to leave the White House, denied press reports that he was being forced out because of his alleged role in spying and sabotage activities.

Strachan, according to White House officials, was one of Haldeman's principal political aides and during the President's re-election campaign served as the liaison between Haldeman's office and the Committee for the Re-election of the President.

Security Story Questioned

By Paul W. Valentine
Washington Post Staff Writer

Law enforcement officials and a key Republican aide, in a series of interviews, have sharply questioned the testimony of high Nixon re-election committee officials in the Watergate bugging trial.

Police, FBI and a Republican National Committee official assigned to GOP security challenged the notion that the re-election committee needed its own $250,000 spy network to monitor potential antiwar violence against the Republicans last year. One official took issue with the truthfulness of other testimony.

In more than a dozen interviews, several of them said that if such monitoring took place at all, it was overpriced, unnecessary and provided inaccurate information. If a special intelligence-gathering apparatus was set up by the re-election committee, they said, it squandered money, duplicated efforts of existing agencies and never established liaison with other intelligence organizations or even the Republican National Committee.

Jody J. Fish, national committee sergeant-at-arms and chief of security, described as "untrue" testimony by re-election committee official Jeb Stuart Magruder that the threat of an estimated 250,000 antiwar demonstrators coming to San Diego was the primary reason for shifting the Republican national convention site from there to Miami Beach.

Fish said the 250,000 estimate was unrealistically high, that security was never a crucial problem and the main reason for moving involved construction and leasing problems in San Diego.

Also, he said, Magruder's testimony that $150,000 was needed to fund intelligence gathering for the convention was unrealistic.

"There wasn't any information they could get that we didn't have," he said in a telephone interview, "and the amount of money we spent on (intelligence), why, hell, you could put it in your ear, it was so small."

Asked for comment on the challenge to Magruder's testimony, re-election committee spokesman DeVan L. Shumway said, "We'll just have to let Magruder's testimony speak for itself. He testified as to the facts."

During the recent Watergate trial, Magruder and other re-election committee officials testified that they made payments to G. Gordon Liddy, one of the now convicted Watergate defendants, to spearhead various intelligence operations, including monitoring the antiwar movement.

As deputy campaign director of the re-election committee, Magruder said he agreed to give Liddy $100,000 last spring to keep tabs on antiwar demonstrations planned against "surrogate," or stand-in, candidates for President Nixon and another $150,000 to monitor antiwar preparations for the convention then set for San Diego.

The plans included hiring some 10 college-age informants to masquerade as activists n the Youth International Party (YIP), Students for a Democratic Society (SDS) and other radical groups, according to testimony by Herbert Lloyd Porter, the re-election committee's scheduling director.

Although he did not say whether the informers were actually recruited, Porter testified that they were to be paid $500 a month plus $500 expenses each per month for 10 months, for a total of $10,000.

Magruder testified that by early spring last year, San Diego police were estimating 100,000 demonstrators were planning to come to the convention, while "Mr. Liddy indicated to us there would more likely be 250,000 demonstrators."

He said re-election committee planners felt 100,000 protesters would be manageable but "250,000 we did not think we could handle."

Based on that information, he said, "I recommended to (campaign manager John M.) Mitchell and he to the President and the President accepted it, to move the site from San Diego to Miami."

There were other problems, Magruder said, "but that was our primary concern."

Spokesmen for both the FBI and the Secret Service said they never recommended a site change because of security problems.

San Diego Assistant Police Chief Jim Connole, who headed local law enforcement preparations for the convention, said no one in

his department predicted 100,000 demonstrators "or any number, for that matter."

"It was too early in the spring to make estimates," he said. "We didn't expect any firm figures until at least July . . . We had not intelligence to rely on."

Demonstration organizers "were talking big numbers," he said, "you know, 100,000, half a million, a million. But we didn't really expect more than 20,000 to 25,000 at the most, but that figure is no more dependable than the demonstrators'."

Connole said his department established formal liaison with Fish and other Republican National Committee security officials but had no such contact with Liddy and the re-election committee.

"If they were around, we didn't know it," he said.

Similarly, police officials in Miami Beach, where the convention was ultimately held in late August, said they knew of no re-election committee intelligence network.

A high FBI official said that both the FBI and the Secret Service maintained liaison with the Republican National Committee, but not with the re-election committee.

The official said the re-election committee's intelligence apparatus, if indeed it had one, was duplicative of existing agencies that were more experienced at intelligence gathering.

All law enforcement officials interviewed said it was impossible in early 1972 to make a firm estimate of the demonstration crowd expected at San Diego in August.

Liddy's 250,000 estimate was "kind of unrealistic," said Fish. ". . . There were too many political and military developments (in the Vietnam war) that could influence the size of the crowd We had no way of knowing what was going to happen."

Organizers of the mass antiwar demonstrations at the convention say the switch to Miami Beach threw their plans into disarray and effectively cut their numbers.

"Yeah, we would have gotten pretty close to 250,000," says key organizer Ted Howard of the San Diego-Miami Beach Conventions Coalition.

As it was, only some 3,000 to 5,000 protesters ultimately showed up in Miami beach, marching on Convention Hall several times and periodically skirmishing with police. More than 1,000 arrests were made.

WASHINGTON POST
8 February, 1973

Nixon Aides Refuse to Answer Some Bugging Questions

By Carl Bernstein
and Bob Woodward
Washington Post Staff Writers

High Nixon administration officials refused to answer some questions in depositions taken by Democratic Party attorneys in a Watergate bugging civil suit and gave testimony that sometimes conflicted with statements they made elsewhere.

Charles W. Colson, special counsel to President Nixon, for example, refused to answer whether he received information from a "confidential informant" after being told by attorney Edward Bennett Williams that the term is frequently applied to information obtained through wiretapping or electronic eavesdropping.

Colson also revealed for the first time that he initiated the hiring of convicted Watergate conspirator E. Howard Hunt Jr. as a White House consultant and confirmed that Hunt once worked for him at the White House. Previously the White House has said that Hunt was hired "on the recommendation" of Colson and indicated that he worked elsewhere in the Executive Mansion.

In another deposition, former Attorney General John N. Mitchell refused to discuss conversations he may have had after the June 17 bugging with other Nixon re-election officials.

The testimony by Colson and Mitchell was included in depositions—sworn pretrial testimony—taken last August and September in connection with a civil suit filed by the Democrats against the convicted Watergate conspirators and President Nixon's campaign organization. The depositions, taken in secret, were ordered unsealed Tuesday by the judge in the civil suit.

The suit was filed last July by the Democrats, primarily as a means of learning more about the bugging. In other sworn testimony in the suit:

• Colson said he first learned of the Watergate incident when, only hours after the break-in on June 17, he received a telephone call from John Ehrlichman, President Nixon's principal assistant for domestic affairs, and was told Hunt had been implicated. Colson has publicly stated that he first learned of the break-in when he heard about it on the radio.

• Former Attorney General John N. Mitchell said, "I have not the faintest idea" of who served as chairman of the finance committee of President Nixon's re-election campaign—generally considered the second highest position in the campaign. Mitchell was the President's campaign manager and former Secretary of Commerce Maurice H. Stans was the finance chairman.

• Mitchell revealed that in the 1968 and 1972 campaigns, he received information on opposition candidates from a newspaperman identified to him only as "Chapman's friend." Mitchell said he received the information in memorandum form from Jeb Stuart Magruder, deputy manager of the 1972 Nixon campaign, and that he believed Murray Chotiner, formerly close aide of President Nixon, first told him about "Chapman's friend."

• Stans said he knew of no authority granted to Watergate conspirator G. Gordon Liddy to spend money for security purposes. During the recent Watergate trial, Stans' principal assistant, campaign treasurer Hugh W. Sloan, testified that he checked with Stans before turning over payments to Liddy that were used for security operations.

• Mitchell, asked if Liddy was "authorized by you or by the Committee for the Re-Election of the President to have $114,000 in cash of the committee's money at anytime," answered: "Well, I would not know. That would be in the finance committee over which I have no jurisdiction or even interest."

Sloan also testified that Stans had checked with Mitchell before payments were made to Liddy. Mitchell's successor as President Nixon's campaign manager, Clark Magregor, has said Mitchell was among campaign officials who authorized cash disbursements from a safe in Stans' office.

• Stans said he knew nothing about campaign funds that moved through Mexico until two or three weeks after the critical April 7 deadline for reporting campaign contributions. Later, he wrote to a congressional committee that he had been informed on April 3 that campaign money might be coming from Mexico.

• Stans acknowledged that $350,000 in campaign funds was deposited last May 25 with the notation "cash on hand prior to April 4, 1972, from 1968" — but said none of the money was actually left over from 1968.

• Liddy invoked his Fifth Amendment protection against self-incrimination in refusing to say whether he ever discussed the break-in with Sloan or with Murray Chotiner, now an attorney in private practice here and an unofficial Presidential adviser. Liddy replied "No" when asked the same question about H. R. Haldeman, White House chief of staff, and Nixon aide Ehrlichman. (According to testimony in the Watergate trial, Liddy made a brief remark to Sloan about the June 17 break-in after it happened. Chotiner and spokesmen for Haldeman have denied that they had any knowledge of the bugging operation.)

• Liddy testified in his deposition that he was hired as counsel of President Nixon's re-election committee upon the recommendation of John Mitchell. Mitchell answered "No, sir" when asked if he recommended Liddy and said he knew nothing about how Liddy was hired. During the Watergate bugging trial, deputy campaign director Jeb Magruder testified that Liddy was hired upon the recommendation of John W. Dean III, President Nixon's White House counsel.

Colson's testimony reveals for the first time that, within hours of the Watergate break-in, high White House officials knew that Howard Hunt had been im-

plicated.

In September, Colson was asked by an interviewer for the National Journal if he was in any way involved in the Watergate incident. Colson replied: "Not at all. The first thing I knew about it was when I heard about it on the radio."

In his testimony to Democratic lawyers, however, Colson said:

"I first heard about it (the Watergate break-in) on Saturday afternoon June . . . 17. I received a call from John Ehrlichman. I was home. It was about — it was late afternoon. He simply asked me if I had seen — did I know where Howard Hunt was. I think that is the way the question was asked. And I said no. And he asked me how long it had been since I saw Howard Hunt. I said quite a long time, several months. And I asked him why he asked.

"He said, 'Well there is a report of a break-in at the Watergate, and one of the people arrested had something in his possession with Howard Hunt's name on it."

Colson's testimony about the hiring of Hunt is considerably more detailed than any previous explanation by the White House and reveals for the first time that Ehrlichman also approved the hiring.

In response to a question from Democratic attorneys, Colson refused—on grounds of executive privilege — to answer whether President Nixon had also approved the decision to hire Hunt as a $100-a-day consultant.

Colson said in his testimony that Hunt was hired because "there was a need for someone to come on board to work on this particular Pentagon Papers controversy and Ehrlichman and I conferred by telephone that day, and the decision was made to bring Howard Hunt on board."

Although he could not remember the exact date, Colson said it was almost immediately after the Pentagon Papers were published by The New York Times and that the White House was attempting to find out both how accurate The Times version was and how the documents were leaked to the newspaper.

"It was my initiative" that brought Hunt to the White House, Colson said. "The reason I recommended him, along with four other people as possible candidates to join the White House to work on the Pentagon Papers controversy was that I knew (a) he is a very good writer; (b) I knew his political disposition and his political feelings; (c) he had worked in the government (for the CIA) and knew the government well; and (d) he is a very bright guy, a very bright fellow."

Although the White House has never acknowledged that Hunt did work for Colson, Colson said in the disposition:

"Well, intially when he came to the White House staff he was reporting to me. That lasted only for a few weeks . . . When the Pentagon Papers began to recede as a front page issue, the responsibility for the research and the security and all the other things that went with it were assigned to others in the White House. Mr. Hunt was then instructed to work under them . . ."

Colson said in his testimony that "I had the understanding" that Hunt "was going to work or going to help with the Committee for Re-Election of the President" at the end of March, 1972.

Hunt, said Colson in his deposition, "told me what he wanted to do was work in the area of convention security and the general area of security for the (re-election) committee . . . I remember his specifically referring at one point to the convention, convention security, right."

WASHINGTON POST
8 February, 1973

Senate Votes Watergate Probe

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writers

The Senate voted 77 to 0 yesterday to open a sweeping investigation into the Watergate bugging and related allegations of political spying in the 1972 presidential election.

Action came after a four-hour debate during which Republicans unsuccessfully attempted to broaden the scope of the inquiry to include the 1964 and 1968 presidential elections.

Three Republican sources said that White House officials, including President Nixon's No. 1 assistant, H. R. Haldeman, actively assisted in efforts to get the Senate to shift the focus of the investigations away from the widespread allegations of a White House-led campaign of spying and sabotage in 1972.

Three Republican amendments to the resolution authorizing the investigation were voted down yesterday, and Republican senators raised the possibility of future charges that the investigation may be a witch hunt.

Senate Minority Leader Hugh Scott (R-Pa.) said the inquiry could become an "inquisition into rumor and substance and lack of substance." As the Democratic majority refused to allow equal representation of Republicans on the special Watergate investigative committee, Scott said: "What we see is the power of the majority saying . . . you must give them unheard of powers to pursue any rumor or unsubstantiated allegations."

Sen. Ted Stevens (R-Alaska) said that the Democratic control of the committe will make it "nothing but a political witch hunting body."

Sen. Edmund S. Muskie (D-Maine) told a reporter yesterday that the Republican maneuvering was an attempt "to tie up the Democratic freedom of action without the appearance of obstructing the investigation and to some extent to lay the groundwork for witch-hunt charges."

The resolution as approved yesterday will allocate $500,000 for a special seven-member select committee to probe the Watergate allegations and report back to the full Senate within one year. It was supported by 45 Democrats and 32 Republicans.

Four of the select committee members will be Democrats and three will be Republicans. As originally drafted the resolution called for a five-member committee, but Sen. Sam J. Ervin (D-N.C.), selected by Senate Democrats to head the inquiry, yesterday agreed to expand the size to seven.

Sen. Scott requested the expansion and Ervin agreed after the full Senate voted down 45 to 35 a Republican amendment calling for a committee made up equally of three Democrats and three Republicans.

On a unanimous vote, Republicans won on one amendment, granting them one-third of the professional staff and a minority counsel to the select committee.

In addition, the leadership of both parties agreed to restrict the access of the committee staff to raw FBI reports that may be subpoenaed during the course of the inquiry. As approved, only the majority counsel and minority counsel would have access to the FBI reports unless the committee chairman and the ranking minority member agree to extend access to other staff members.

Two Republican staff assistants said yesterday that the Senators they work for had received word from the White House that a maximum effort should be made to broaden the scope of the inquiry to include the campaigns of 1964 and 1968.

A third source, who works in the White House, said that White House chief of staff Haldeman was making sure that the word got out to the Republican minority that the proposed inquiry could prove embarrassing and that it should be "watered down."

The Justice Department had a staff lawyer working with the Republicans Tuesday and yesterday to assist in the drafting of the amendments designed to shift the focus of the inquiry. Sources on Capitol Hill said that the Justice Department attorney has previously provided such technical assistance.

During debate on the resolution yesterday, Sen. Scott charged that it is "the broadest resolution I've ever seen . . . wild, unbelievable" and one that could lead to "blackmail" if its powers are misused by committee staff members.

Scott said that a Republican senator, whom he did not name, had a "phone call that was electronically bugged" during the 1964 election. He said there have been "many instances" of such electronic surveillance in political campaigns.

Scott had raised the issue earlier yesterday with reporters and charged that in 1968 "there was wholesale evidence of wiretapping against the Republicans." He declined to give specifics.

Sen. John Tower (R-Tex.) cited what he said were "strong indications and assertions by responsible persons that there was electronic eavesdropping in those (1964 and 1968) campaigns." He also cited no specifics.

In a prepared statement,

Sen. Barry Goldwater (R-Ariz.) said that the inquiry into political spying should look into "similar incidents perpetrated by people working for Democratic candidates." Goldwater did not cite a specific example either.

Responding to these assertions, Sen. Ervin said, "I've never seen any charges about the elections of 1964 and 1968."

John Ehrlichman, the President's top domestic adviser, said essentially the same thing Oct. 15 during a period when news accounts said that the White House had been involved in a elaborate political spying campaign directed against Democrats.

Ehrlichman said that any such spying was not of a serious nature and has "been in American politics since I can remember."

While attempting to amend the Watergate resolution yesterday, Senate Republicans made it clear that they did not oppose an investigation. They affirmed that by unanimously voting for the final resolution.

The authorization to conduct the year-long Senate probe with public hearings comes nearly eight months after June 17 when five men were arrested inside the Democrats' Watergate headquarters.

In September, those five men and two former White House aides were indicted in the Watergate bugging case. Last month five of the men pleaded guilty and the two others were convicted of all charges against them in the case.

Sen. Ervin has made it clear that he intends to probe into charges beyond the Watergate bugging, including those that deal with California attorney Donald H. Segretti, who allegedly conducted a vast campaign of political spying and sabotage.

A government source said Tuesday that a former White House assistant to Haldeman served as the initial link between separate undercover operations conducted by Segretti and by convicted Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy, both former White House aides.

The government source identified the Haldeman assistant as Gordon Strachan, who was appointed general counsel of the United States Information Agency by President Nixon in December.

According to the source, Strachan supplied Liddy with the name and telephone number of Segretti in January, 1972, and said that Segretti was already conducting spying activities for the White House. At that time, Liddy and Hunt were setting up a similar spying campaign for the President's re-election committee, the source said, and some of the operations were later mer[illegible]

Segretti, according to investigators, was hired for his undercover activities by another key assistant to Haldeman, presidential appointments secretary Dwight L. Chapin, and reported to both Hunt and Chapin on his operations.

There was no indication yesterday who the Democratic majority and Republican minority might appoint to serve on the select committee.

White House Press Secretary Ronald L. Ziegler yesterday said that the Nixon administration would cooperate with the Senate investigation if it was handled "in a nonpartisan way." He declined to say whether White House staff members would be permitted to testify or provide information to the Ervin committee.

The issue of whether White House aides will cooperate is likely to be one of the most controversial aspects of the probe.

Under the tradition of executive privilege, the aides could refuse to testify on the grounds that the subject matter may deal with confidential communications with the President.

Sources close to Ervin said that the committee would not attempt to probe into direct confidential discussion with the President, but since the White House has denied any involvement in the Watergate bugging and generally refused to comment on the spying-and-sabotage allegations, Ervin would expect cooperation.

Sen. Norris Cotton (R-N.H.), chairman of the 43-member Republican minority conference in the Senate, said Tuesday that he would "hope and expect" White House aides would be called to testify if there is information linking them to the alleged spying and sabotage.

Sen. Tower said Tuesday that he would personally support the calling of White House aides if previous testimony presented to the committee showed that the aides had "actual knowledge" of some of the alleged incidents.

Ziegler Denies 'Post' Is Target

White House press secretary Ronald L. Ziegler yesterday vigorously denied a report by Jack Anderson that the White House had issued orders to "nail" The Washington Post.

Asked about the Anderson story yesterday, Ziegler said it was "flatly incorrect—wrong, wrong, wrong."

Declaring that there is "no validity" to the charge, Ziegler said "no one has issued orders to 'nail' The Washington Post. I unequivocally and specifically deny it."

NEW YORK TIMES
9 February 1973

NEW INQUIRY DUE FOR WATERGATE 7

By SEYMOUR M. HERSH
Special to The New York Times

WASHINGTON, Feb. 8—The Federal prosecutor in the Watergate case said today that all seven defendants would be ordered to appear before a grand jury in an attempt to "explore every conceivable avenue" of possible high-level involvement.

Thus far, however, he added, the Government has been unable to develop any "hard evidence" implicating any other public official in the case.

In an interview, Earl J. Silbert, the principal assistant United States attorney who prosecuted the case, said that special attention would be paid to G. Gordon Liddy, described by the Government as the leader of the political intelligence operation that led to the bugging attempt on the Democratic national headquarters last year.

"Liddy will be asked every question that we can think of that will relate directly or indirectly to his involvement in the Watergate case," Mr. Silbert said.

He said that the grand jury would be reconvened immediately after the sentencing of the seven defendants. Other sources said that the sentencing was not expected until early March.

Mr. Silbert added that he planned to call only the defendants before the grand jury but would broaden the investigation if their testimony proved fruitful.

The interview, his first since the trial ended 10 days ago, came amid criticism over what some have called the prosecution's failure to investigate fully whether higher-ups in the Nixon Administration were involved in the affair.

Judge Not Satisfied

During the trial, which ended with the conviction of two defendants after five others pleaded guilty, Judge John J. Sirica repeatedly expressed dissatisfaction with the prosecution's limited questioning of some witnesses who were Mr. Liddy's colleagues at the committee for the re-election of the President.

Mr. Sirica, chief judge of the United States District Court here, charged after the verdict that the trial had failed to get to the bottom of the case.

"I have not been satisfied, and I am still not satisfied, that all of the pertinent facts that might be available have been produced before an American jury," he said.

Meanwhile, Republican members of the Senate today named Senators Howard H. Baker Jr. of Tennessee, Edward J. Gurney of Florida and Lowell P. Weicker Jr. of Connecticut to the Senate's special committee to investigate the Watergate bugging case and the separate political espionage and sarotage allegedly conducted by Donald H. Segretti on behalf of White House officials.

The Senate voted 77 to 0 yesterday to set up a seven-man Watergate inquiry panel led by four Demorats. "The Republians have at least as much to gain in this investigation as the Democrats do," Mr. Baker told a reporter after his selection was announced.

Democrats Are Named

The Democrats will be led by Senator Sam J. Ervin Jr. of North Carolina, chairman of the select subcommittee. The other majority members, announced today, will be Danial K. Inouye of Hawaii, Joseph M. Montoya of New Mexico and Herman E. Talmadge of Georgia.

In another development, John D. Erlichman, President Nixon's assistant for domestic affairs, confirmed today that he had received word of possible White House involvement in the Watergate break-in within a day or two of the burglary last June 17.

Mr. Ehrlichman's statement did not reveal who provided the information, which came before the first public hint of a White House link. "This is a routine kind of thing that is done if members of the White House staff are arrested or in trouble," Mr. Ehrlichman said. "We get a routine notification."

Word of the advance warning to the White House was contained in a deposition made by Charles W. Colson, a White House special counsel, in connection with a civil suit filed by the Democrats against the Republicans after the Watergate arrests. The deposition was released to the public Tuesday night.

In the interview, Mr. Silbert, 36 years old, a 1960 graduate of Harvard Law School, said that the prosecution's reasoning in the Watergate case had been based, in part, on an old cliché: "A bird in the hand is worth two in the bush."

F.B.I. Inquiry Cited

He explained that he and his colleagues had decided to press the case against the seven men — five of whom were caught inside the Democratic headquarters — after concluding that the Federal Bureau of Investigation had found "no hard evidence to indicate the involvement of others."

Neither Liddy nor E. Howard Hunt Jr., the other defendant who was said to have played a key role n teh intelligence operation, would cooperate with th prosecuton, Mr. Silbert said.

Some critics have charged that the two men should have been granted immunity to facilitate their testimony before the Federal grand jury. But Mr. Silbert said that that had been ruled out because of recent Supreme Court decisions stating that any evidence against a possible defendant cannot come from or appear to be developed from leads given to a grand jury after such grants of immunity to a po-

tential defendant.

"We made the judgment to prosecute and convict them first," Mr. Silbert said. "Then it's a matter of record."

He explained that even if a new trial were ordered by a higher court in the Watergate case, the Government could still use all of the testimony given against Liddy and Hunt. But if the men had been allowed to appear first before the grand jury and granted immunity, Mr. Silbert said, "There would have been long series of hearings to satisfy the court [in their trial] that what we wanted to use against them did not come from what they said in the grand jury."

"We might have been ready to take this risk," the prosecutor added, "if we had had very strong evidence to indicate that there were other people involved. Our feeling was that if we lost Liddy and Hunt, we would come out with egg on our faces."

Another concern, he said, was the possibility that the defendants, even if granted immunity, would refuse to testify before the grand jury and thus risk contempt proceedings. The defendants thus far have refused to discuss their activities with Federal investigators.

Other Government sources said that the defendants may decide to cooperate after sentencing, in the belief that their cooperation would help result in reduced prison terms.

Mr. Silbert noted that pending any further information the reconvened grand jury would not consider any aspects of the alleged spying and sabotage operations since the Justice Department has determined, based on available evidence, that Mr. Segretti's reported activities violated no laws.

The New York Times reported today that Dwight L. Chapin, a former White House aide, has told the F.B.I. that he was involved in financing some aspect of Mr. Segretti's operations. Mr. Chapin, who resigned last week, was said to have directed Herbert W. Kalmbach, President Nixon's personal attorney, to make cash payments to Mr. Segretti.

THE ECONOMIST FEBRUARY 10, 1973

The Watergate affair will not be quenched

Washington, DC

If the Watergate trial neither lasted as long as the judge expected nor revealed as much as he had hoped, it is also not the end of the affair. Various civil suits and counter-suits have become active again now that the criminal trial is over. The rumour mills go on grinding, feeding to the press scraps of information that link different curious features of last year's presidential election campaign to each other, and some that throw doubt on President Nixon's assertions of last summer that the White House had nothing to do with any of it. But the Senate's investigation will most likely dominate the next phase of the Watergate affair.

Senator Sam Ervin of North Carolina, who moved the resolution early this week to set up a select committee of Senators "on presidential campaign activities," and who will be its chairman, is a Senate elder with a stupendous reputation as a guardian of the Constitution. Putting the matter in his hands was a good way for the Democratic majority in the Senate to ward off reproaches of partisanship.

The Senate Republicans decided not to oppose setting up the inquiry but contented themselves with amendments to make sure that their own side would be adequately represented and their interests protected. "We do not want a narrow, partisan, witch hunt," said Senator Tower of Texas : but Senator Ervin is a hard man to accuse of partisan witch-hunting. While the Republicans in Congress naturally do not like the inquiry and would be glad to see the whole affair forgotten, their feelings about what happened are mixed. Whoever organised the undercover campaign activities of which the bugging and burglary of the Democratic offices in the Watergate were a part, it was not the Republican National Committee and it was not done for the sake of getting Republican Senators and Congressmen elected.

The money that was so liberally handed around for use by the Watergate irregulars and the other undercover agents came from the Committee to Re-elect the President, not from the Republican National Committee, which seems to have been neither consulted nor informed about what was going on. There is no reason to suppose that the committee, if consulted, would have approved.

If the undercover operations had a thought-out strategic purpose it was to confuse and eventually demolish the Democratic party as a presidential campaign force, and that is precisely what happened. President Nixon won a splendid victory, the congressional Republicans did poorly, and they are left as the weaker half of a weak Congress facing an overwhelmingly strong President. Loyal as many of them are to Mr Nixon, this outcome cannot have been what they wanted.

The Ervin committee will have all the powers that the Senate can give it, but nobody can say how effective these will be when it comes to questioning President Nixon's own immediate assistants. Much detail about what happened has come to light, but the authority that caused it to happen and the intention behind it are still veiled. Judge John Sirica, the senior judge of the federal district court in Washington, who conducted the trial which ended last week, declared himself determined to get to the bottom of questions like this, but he came up against a blank wall.

Judge Sirica is not known as the keenest legal mind in Washington or as a champion of public causes. A Republican appointed to the bench by President Eisenhower, he evidently felt that his own reputation required him to find out rather more than either the prosecution or the defence in the trial was willing to tell him. On trial were five men caught red-handed in the Democratic National Committee's offices in the Watergate building one night last June, together with two others to whom the trail immediately led. An eighth, who was across the street at the time in the hotel room where the intercepted Democratic traffic was monitored, was granted immunity and became a prosecution witness.

This was Mr Alfred Baldwin, a former agent of the Federal Bureau of Investigation who had joined the intelligence team formed by the two most important defendants, Mr Howard Hunt and Mr John Liddy. When Mr Baldwin talked at length to the Los Angeles Times last year his memory was excellent, but when the trial came it failed him, notably about the name of the person to whom the Watergate intercepts went. None of the defendants chose to give evidence, though five were interrogated by the judge when they decided to plead guilty. Judge Sirica wanted to know how they got involved in the affair in the first place and what they thought their activities were for, but he never found out. He wanted to know what or who had induced them to plead guilty, but he never found that out either. Prosecutors and defending lawyers both objected to his asking such questions as these. A striking harmony prevailed, indeed, between prosecution and defence : this was in part because the original lawyers for several defendants threw up their briefs when their clients changed their pleas to guilty. Where acrimony arose, it was between prosecution and defence on the one hand, and the judge on the other.

Five of the accused concurred heartily in almost everything the prosecution said, while allowing its contention that they had "gone off on their own," acting without higher authority, to go unanswered. They had had a bit of bad luck but were not fighting it. The implication that if they behaved correctly, then somebody acting for their former employer, the presidential re-election committee, would look after them was in the air, and in the press, and evidently it was in the judge's mind, but it was not in the evidence or the pleas. It has occurred to Senator Ervin, whose committee will have among its tasks to find out if bribes or threats played any part in inducing them to plead guilty or to keep their knowledge dark.

Money, bundled up in suitcases, processed through Mexican banks, found on the persons of the defendants in wads of crisp new $100 bills, kept in a safe in the President's campaign offices and apparently issued to undercover agents without instructions for use or requirements of accounting, is

pervasive in the Watergate affair. Tracking the movement of money has been one way in which the ramifications of what might otherwise have been soon forgotten as an isolated escapade have been brought, if only partially, to light.

Judge Sirica did find out something by questioning the former treasurer of the re-election campaign, Mr Hugh Sloan, who said he had given Mr Liddy, then the committee's finance counsel and now one of the defendants, $199,000 to finance his operation. This was part of a larger fund for secret campaign operations: Mr Sloan mentioned $250,000, but the Washington Post claims to have information that the real amount expended on spying on the Democrats and disrupting their campaign was not less than $750,000. Others have mentioned larger sums.

A good deal of this money was never accounted for either in the domestic accounts of the Nixon campaign or in the returns which the campaign committee, like other political organisations, was obliged to make to the General Accounting Office, an organ of Congress designated in the federal election campaign act of 1971 as the authority to which presidential campaign finances must be reported. Because of facts brought to light by the Watergate affair, the presidential campaign finance committee was fined $8,000 last month for a failure to keep proper accounts on a matter of $29,300.

Since President Nixon's campaign finance organisation, through its many branches, seems to have collected about $50m and finished the year with a surplus of $4.8m in hand, it can presumably bear a fine of $8,000 with equanimity. A new round of worrying about the adequacy of the campaign finance law is inevitable, and the Ervin committee may well find something to say on the subject: one of its duties is to consider whether its inquiries suggest a need for "new congressional legislation to safeguard the electoral process by which the President of the United States is chosen." The first year of the 1971 act turns out to have been a year in which campaign financial scandals were even more blatant than usual.

WASHINGTON POST
10 February, 1973

Hunt Tried to Recruit Agent To Probe Sen. Kennedy's Life

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writers

During the same month that Watergate bugging conspirator E. Howard Hunt Jr. started work as a White House consultant, he traveled to Providence, R.I., under an assumed name and tried to recruit a government employee to investigate the private life of Sen. Edward M. Kennedy (D-Mass.).

Clifton DeMotte, the government employee, said yesterday in a telephone interview that he met Hunt, who used the alias Edward Warren, in a Providence motel for a two-hour, tape-recorded interview sometime in July, 1971.

Hunt has said in a sworn statement that he began working at the White House for special counsel to the President Charles W. Colson "on or about July 6, 1971." The White House said at the time of the Watergate bugging last June that Hunt worked on declassifying the Pentagon Papers and on narcotics intelligence.

DeMotte, who has been familiar with the Kennedy family's activities in Massachusetts for more than a decade, dating to a time when he worked in Hyannis Port, said Hunt asked him about various activities of Kennedy, including the 1969 Chappaquiddick automobile accident.

"Hunt, using the name Ed Warren, wanted to know if I'd heard of any women-chasing by the Kennedy boys . . . if I'd heard of any scandal-type material," DeMotte said yesterday.

"I think this (the interview) was a prelude to embark on a major campaign against Kennedy," DeMotte said. "It was a recruiting campaign. He wanted me to do work on Chappaquiddick . . . he offered to pay only expenses."

DeMotte said he turned Hunt down, and that he repeatedly asked Hunt who he was working for and Hunt would only say that he was working for "a group" that he refused to identify.

Federal sources said DeMotte gave essentially the same account of Hunt's visit to the FBI.

DeMotte said that he could not remember the exact day Hunt tried to recruit him but recalled that it was during July, 1971, but after July 4, 1971.

At the time, Kennedy was generally considered by the White House to be the strongest possible contender against President Nixon in the 1972 election. The Washington Post reported last July that it had been told by White House employees that Hunt was working there on Kennedy research late in the summer of 1971.

During the Watergate trial last month, in which Hunt pleaded guilty to all charges against him, extensive evidence was introduced to show that Edward Warren was the alias Hunt used during the Watergate conspiracy.

DeMotte's statement is the first indication that Hunt was using that name almost a year before the June 17, 1972, Watergate break-in.

DeMotte said that he did not realize that "Ed Warren" was Hunt until he was contacted by the FBI last year about several phone calls Hunt had made to him. He said he identified Hunt through pictures.

DeMotte, 41, was public relations director of the Yachtsman Motor Inn in Hyannis Port, in 1960 when the late President Kennedy used the hotel as a press and staff headquarters for the presidential campaign.

DeMotte is now a GS-12 federal employee for the General Services Administration whose job is to dispose of excess government property at a Navy construction battalion center in Davisville, R.I.

DeMotte said he had no first-hand information to give Hunt on the Kennedys, but that he did provide "information on hell-raising" by staff members.

In addition, DeMotte said that he had "strictly hearsay" information on the Kennedys themselves — involving "real swinging parties" and "booze" —that he gave to Hunt.

DeMotte said he tried to "persuade Hunt that it was a waste of time to come up, but he insisted." He described Hunt as someone who appeared to be "either dedicated to the country, the 'group' or himself—I couldn't tell which."

Last summer The Post reported that three sources said Hunt showed a special interest in Kennedy's Chappaquiddick accident as far back as the summer of 1971. Jane F. Schleicher, a White House librarian, said Hunt checked out "a whole bunch of material" on Kennedy and the 1969 accident in which Mary Jo Kopechne, a passenger in Kennedy's car, was killed.

The White House has denied that Hunt was doing Kennedy research as part of his official duties as a $100-a-day consultant. A spokesman last July noted that he was the author of some 40 books and "could have been doing research on his own." Reliable White House and federal sources have said that Hunt also investigated for the White House leaks to the news media.

Hunt's other job in 1971-72 was as a writer at the Robert R. Mullen & Co. public relation firm, 1700 Pennsylvania Ave. NW. Robert F. Bennett, president of the Mullen firm and the person who suspended Hunt from his job after his name was linked to the June 17, 1972, Watergate break-in, has said that Hunt was not doing Kennedy research as part of his public relations assignments.

Included in material Hunt checked out of the White House library was a book called "Bridge at Chappaquiddick," by Jack Olson.

In the telephone interview yesterday, DeMotte said Hunt had asked him to read the Olson book, DeMotte said he then read it, and Hunt called him to see if the book jarred his memory on any significant details about Kennedy or Chappaquiddick Island, where the automobile accident occured. He said it did not.

DeMotte said that some time after the 1969 Chappaquiddick accident, he went to John Volpe, who was then Secretary of Transportation, to speak about the Kennedys.

At the time, DeMotte was working in the congressional relations office of the Department of Transportation.

"I thought maybe I had some information," DeMotte said. "We met for maybe a half-hour and he pretty much felt I was wasting his time."

DeMotte said he and Hunt talked from 5:15 to 7:30 p.m. in the Providence motel room rented by Hunt, and had supper and a drink. "Hunt was dressed in sport clothes," DeMotte said, "a hell of a James Bond operator."

After their meeting, DeMotte said, "I spent a restless night and tried to find him the next morning for a cup of coffee, but he was gone."

Federal sources have said that an intelligence-gathering

operation that was being run by Hunt and G. Gordon Liddy, a former White House aide and coconspirator in the Watergate bugging case, involved—among other things—collecting data on the personal lives of Democratic presidential contenders.

In a sworn deposition taken Aug. 29, 1972, in the Democratic Party's $3.2 million civil suit arising out of the Watergate bugging, Hunt's attorney objected to the attempts by the Democrats' attorney to ask Hunt about Kennedy.

According to the transcript, Hunt's attorney, William O. Bittman, said it was "outrageous" and an attempt to "sensationalize this case" by interjecting Kennedy's name.

The following took place after Edward Bennett Williams, the Democrats' attorney, asked: "While you were working with Mr. Colson, Mr. Hunt, did you do research on Sen. Edward Kennedy of Massachusetts?"

Mr. Bittman: "I object to the question and instruct him not to answer it. Again, I do not see how that question can be in any way whatsoever relevant to this lawsuit. It strains my imagination to believe that that kind of question can be relevant, and I assume that the only reason it is being interjected into this proceeding is that at some point, hopefully, to sensationalize this case beyond its present posture, Mr. Williams."

Mr. Williams: "No, it is not, Mr. Bittman. This case does not need to be sensationalized, and I do not want you to impugn my motives any more. I have not done that with you. I said what you were doing had the effect of obstructing the orderly processes of these depositions. I did not impugn your motives.

"I do not enjoy your impugning my motives, and I do not want you to do it again in the course of these depositions or ever after."

Mr. Bittman: "Mr. Williams, I will make whatever statements I believe are appropriate on this record, and I will not let you intimidate me.

"I believe the interjecting of Sen. Kennedy into this proceeding is outrageous. It cannot be possibly relevant in any way whatsoever, and on behalf of my client I will make whatever objection I think is appropriate, and I am sorry that you take offense to it."

Mr. Williams: "You decline to answer the question, is that correct, Mr. Hunt?"

Mr. Hunt: "I decline to answer the question on the advice of counsel."

The relationship between Hunt and Colson has been the subject of a number of apparently contradictory statements. Both men confirm that they have been good friends for several years.

Last June 19, when Hunt was first linked to the bugging, the White House personnel office identified Hunt as a consultant to Colson, who has been one of Mr. Nixon's most powerful advisers and who is leaving the White House next month for private law practice.

Within hours after the personnel office's statement, official White House spokesmen said that Hunt had been hired on Colson's recommendation but that he did not work for Colson. Hunt's work, the spokesmen said, dealt with the Pentagon Papers and narcotics intelligence.

In a sworn deposition taken last summer and made public this week, Colson said it was his idea to bring Hunt to the White House and that Hunt worked for him for several weeks.

Hunt said in his own deposition that he worked for Colson the entire nine months of his White House stay.

4 Guilty in Watergate Denied Bail Reduction

Four defendants who pleaded guilty to the charges against them in the Watergate bugging trial and were imprisoned pending sentencing have been denied a reduction in bail by the U.S. Court of Appeals.

The four men—Virgilio R. Gonzales, Bernard L. Barker, Frank A. Sturgis and Eugenio R. Martinez — were ordered confined in lieu of $100,000 bond each by Chief U.S. District Judge John J. Sirica after they pleaded guilty to conspiracy, burglary and illegal wiretapping and eavesdropping.

All four men, who are from Miami, were arrested inside the Democratic Party's Watergate headquarters in the early morning hour of June 17. The appellate court's decision came in a brief, unsigned opinion by Circuit Judges Harold Leventhal, Spottswood W. Robinson III and George E. MacKinnon. According to a notation in the opinion, MacKinnon favored setting bail at $60,000.

WASHINGTON POST
10 February, 1973

William S. White

The Campaign Spy Probe

IMPROBABLE AS it sounds, there is a fair chance that the Senate's forthcoming investigation of alleged widespread campaign spying by the Republicans in the 1972 Presidential contest may serve the public interest.

This happy result can be reached, granted some pre-conditions. First, the Democrats must heed the wise—and genuinely meant—admonition of party floor leader Mike Mansfield to avoid narrow partisan and ideological politicking.

Second, President Nixon must turn the White House staff loose to testify fully, the doctrine of executive privilege notwithstanding. "Executive privilege," of course, is a phrase to describe any President's right (and even duty) to maintain the confidentiality of certain kinds of in-house communications with his associates, no matter what Congress may think about it. Technically, to be sure, this privilege can be read to cover almost anything. As a practical matter, however, it is meant only to prevent irresponsible disclosure of truly vital White House matters—such as, say, strategic and inconclusive military or foreign policy plans discussed between the President and others—where telling all to Congress would harm the country and help nobody except possibly a foreign enemy.

Third, the Senate investigators must put upon themselves—and nobody else can or will do it for them—a proper sense of restraint and perspective and not reach and proclaim verdicts before the evidence is all in. The truth is that the resolution authorizing this half-million-dollar inquiry is windily long, far too open-ended and almost as solemnly portentous as though a plot threatening the very life of the republic were involved.

One of the dozens of powers handed to the investigating committee, for example, is to search out "any fabricating" dissemination or publication of any false charges having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972."

Now, every American beyond grade school age knows that what is "false" and what is "true" in a political campaign is often in the eye of the beholder or, to use another anatomical metaphor, it all depends on whose ox is being gored.

In its proper zeal to protect the civil right not to be bugged—the bugging of Democratic headquarters in the Watergate Hotel being a prime target of inquiry—the Senate must consider another civil right. This is the ancient right to free (not to say at times very, very free) political expression and publication. Too, it will be unfortunate if the outraged howls of the Republicans that they, too, were spied upon, in both 1968 and 1964, are simply shrugged off by the Democrats. If it was a sin in 1972 it was a sin in those earlier years. And, in any case, the only justification for giving this business of the Watergate scandal the dignity of a full-dress Senate investigation in the first place is to assure the public of an impartial inquiry determining whether our basic political processes are truly subject to serious perversion.

The prospective chairman of the inquiry, Senator Sam Ervin (D-N.C.), is a distinguished lawyer, a former trial judge and a fair-minded man all around. He will need, however, to be constantly vigilant not over his own conduct but rather over the conduct of the staff investigators who will surround him. Such specialists do not enter affairs of this kind with all the objectivity of a Supreme Court Justice. Nor do they traditionally abstain from the Gad-ain't-it-awful approach to the evidence which they assemble and present to the senators themselves.

To put the case as delicately as possible, they are not deeply intent on clearing any suspect, anymore than is the average young assistant district attorney who has his way up the ladder still to make.

NEW YORK TIMES
11 February 1973

NIXON'S ATTORNEY TIED TO FUND ROLE

Witness Says Kalmbach Was Principal Money Raiser

By BEN A. FRANKLIN
Special to The New York Times

WASHINGTON, Feb. 10 — Herbert W. Kalmach, President Nixon's personal attorney has been inscribed in court papers here as "cssentially the principal fund raiser" of Mr. Nixon's 1972 re-election campaign until last February.

At that time, former Secretary of Commerce Maurice H. Stans publicly assumed direction of the President's campaign finances.

Mr. Kalmbach, a wealthy 51-year-old Southern California lawyer, is a partner in the Los Angeles and Newport Beach firm of Kalmbach, De Marco, Knapp & Chillingsworth.

He was previously identified in sworn testimony and in news accounts, none of which he has disputed, as the chief solicitor of hundreds of thousands of dollars for Mr. Nixon's campaign from the dairy farm industry. He was also identified as one of five persons authorized to approve payments from the Republicans' secret political espionage fund.

But until late yesterday, with the release of testimony by Hugh W. Sloan Jr., a former White House aide who is a former Kalmbach associate and former treasurer of the Finance Committee to Re-elect the President, the extent of Mr. Kalmbach's fund-raising responsibilities had not been widely known.

Deposition Filed in Court

Mr. Kalmbach has refused requests for interviews and has declined to return newsmen's telephone calls. He could not be reached today.

Mr. Sloan's testimony, given here last Dec. 26 in a closed interrogation, or deposition, became public when it was filed in the United States District Court yesterday afternoon by William A. Dobrovir, a lawyer for Ralph Nader, the consumer advocate.

Mr. Dobrovir has been conducting pretrial examination of witnesses in a lawsuit brought by Mr. Nader more than a year ago. The suit seeks to reverse the Nixon Administration's multimillion-dollar increase in 1971 in the federally regulated price of milk. The suit alleges that the action was an "illegal" result of more than $300,000 contributions to the Nixon re-election fund made secretly by dairy farm interests.

Examined by Mr. Dobrovir and other Nader lawyers, Mr. Sloan disclosed that Mr. Kalmbach recruited him from the White House staff in 1971 as a Nixon campaign treasurer. Speaking of Mr. Kalmbach in March, 1971, at the time the milk industry funds began arriving at 100 covert Nixon campaign finance committees set up here to receive it, Mr. Sloan said:

"He was operating informally in charge of fund raising until such time as Maurice Stans assumed that position. So he was essentially the principal fund raiser of the re-election effort at that point in time."

Witness's Characterization

At another point, Mr. Sloan said that in the first eight months of 1971, "I think I can characterize him [Mr. Kalmbach] as the principal fund raiser for the President."

"He would buttonhole people?" Mr. Dobovrir asked

"He would approach them for contributions, yes," Mr. Sloan replied.

Mr. Sloan also testified that, well before the contributions began pouring in from the "political education" trusts of three giant milk marketing cooperatives, he learned that they would be in excess of $200,000 and under $1-million. The final known figure for contributions from American Milk Producers, Dairymen, Inc., and Mid-America Dairies, Inc., was about $417,000.

Mr. Sloan said he had learned the prospective size of the gifts either from Mr. Kalmach or Lee Nunn, another former White House aide then involved in Mr. Nixon's campaign fund raising, or from Marion E. Harrison, a partner in the Washington law firm of Reeves & Harrison, which represented the dairy farm donors.

Decision Is Queried

Asked who had made the decision to use nearly 100 Washington-based dummy committees to receive the milk money, Mr. Sloan replied: "Probably Herb Kalmbach, or Lee Nunn."

The committees, with such names as Americans for Better Government, did not report the receipts, but the donors ultimately reported on their disbursements.

The pretrial deposition of Mr. Harrison, the milk groups' lawyer here, was also filed yesterday. In it, Mr. Harrison disclosed that, in seeking to win higher milk prices for his clients, he met, sometimes privately, with Secretary of Agriculture Clifford M. Hardin "less than 16 times" between Jan. 1 and April 1, 1971. He said he also called on at least five top White House aides who might have had contacts with the Secretary.

Mr. Harrison said that he accompanied about a dozen dairy farm leaders to a White House meeting with Mr. Nixon on March 23, 1971, after which the Agriculture Department's denial of a milk price rise was reversed.

NEW YORK TIMES
12 February 1973

FEDERAL INQUIRY ON SEGRETTI IS ON

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, Feb. 11—The Justice Department has begun an investigation of Donald H. Segretti, the young California lawyer who allegedly directed a political sabotage effort on behalf of the Republican party during last year's Presidential campaign.

Officials of the Justice Department's Criminal Division had said as recently as three weeks ago that they believed, on the basis of interviews with Mr. Segretti last summer, that his activities were probably legal and did not merit a full investigation.

An Administration source confirmed today, however, that the department's fraud unit was now looking into the possibility that Mr. Segretti might have violated a Federal statue that makes it illegal to print or distribute political literature that is unsigned or that bears the unauthorized signature of a candidate or pollitcal group.

It was not learned why the Justice Department, which knew about Mr. Segretti as early as last July, had waited until now to begin a formal investigation.

Attracted by Calls

The Federal Bureau of Investigation was initially led to Mr. Segretti through a number of long distance calls placed his telephone from phones in the home and office of E. Howard Hunt Jr., a former White House consultant who recently pleaded guilty to charges of conspiring to tap telephones in the Democratic party's Watergate offices.

A number of Mr. Segretti's friends and acquaintances have said that he asked them in late 1971 or early last year to act as informants for the Republicans while posing as campaign workers for various Democratic Presidential candidates, or to assist him in otherwise disrupting the Democrats' efforts.

Since all of those who have reported being approached by Mr. Segretti have denied accepting his offers, it is not known precisely what sort of operation, if any, was conducted by him.

Justice Department officials would not say which of his activities were being looked into or whether any evidence of wrongdoing had been uncovered.

The New York Times reported last week that Dwight L. Chapin, President Nixon's appointments secretary, had told the F.B.I. that he directed Herbert W. Kalmsbach, the President's personal attorney, to pay Mr. Segretti for his part in the alleged sabotage operation. Other reports have put the sum involved as high as $35,000.

Reported Asked To Leave

Mr. Chapin, a classmate of Mr. Segretti's at the University of Southern California in the early 1960's, has reportedly been asked to leave the White House staff because of newspaper reports naming him as Mr. Segretti's contact in the Administration.

Indicates No Call

One Congressional source, told of the Justice Department investigation, speculated that the Nixon Administration might be planning to use it as an excuse not to turn over certain investigative files to a special Senate committee set up last week to look into the Watergate bugging case and the alleged sabotage operation.

But a Federal official said said, as far he knew, the Government still intended to keep its pledge to cooperate fully with the committee, which will be headed by Senator Sam J. Ervin Jr., Democrat of North Carolina.

Mr. Segretti was called before a Federal grand jury last summer. But he was not indicted nor did his name come up at the recent criminal trial in which five men pleaded guilty and two were convicted of bugging the Democrats' headquarters in late May and early June of last year.

Earl J. Silbert, the principal assistant United States attorney here who was in charge of the prosecution at the trial, indicated last week that, based on the Justice Department's determination that Mr. Segretti had violated no laws, he would probably not be called before a renewed grand jury inquiry into the Watergate case.

WASHINGTON POST
9 February, 1973

Nixon Aide Denies Getting 'Bug' Data

Charles W. Colson, special counsel to President Nixon, said yesterday that he never received any wiretapped information in connection with the Watergate bugging or other spying against the Democrats.

An article in yesterday's Washington Post noted that, in a deposition before Democratic attorneys last summer, Colson declined to answer whether he had received information from a "confidential informant" after he was told that the term is frequently used to refer to information obtained through wiretapping.

Colson said on the Today Show (WRC-TV) yesterday that he would have been "perfectly happy to answer" the question but lawyers "all agreed that I should not answer." He criticized The Post for failing to "print any of the preliminary discussion (between the lawyers) that led up to my refusing to answer that question," and said, "I never saw any such information."

WASHINGTON POST
15 February, 1973

Watergate Jury Data Sought by Sen. Ervin

By Lawrence Meyer
Washington Post Staff Writer

Sen. Sam J. Ervin Jr. (D-N.C.) has asked Chief U.S. District Judge John J. Sirica to turn over the grand jury minutes and sealed transcripts of the Watergate investigation and trial to the Senate select committee investigating the Watergate bugging and allegations of related political espionage.

Ervin's request, for which there is no legal precedent according to a memorandum filed yesterday by the U.S. attorney's office here, was made in a letter to Sirica dated Feb. 9.

The memorandum, filed by principal assistant U.S. Attorney Earl J. Silbert, supports Ervin's request but raises questions about whether Sirica has the legal authority to grant it.

"With respect to the grand jury minutes," Silbert said, "the United States has no objection to their release to the select committee . . . Indeed, because there are those who have publicly questioned the integrity of the investigation and prosecution of the Watergate case and because of the unique nature of this case, the United States favors their disclosure to the committee so that the nature of the investigation . . . will be subject to scrutiny and thereby aid the ends of justice. . .

"The United States favors this disclosure notwithstanding the traditional secrecy surrounding grand jury proceedings . . ." Silbert said.

The Watergate trial, which began with seven defendants on Jan. 8, ended on Jan. 30 with conviction of two defendants on charges of conspiracy, burglary and illegal eavesdropping and wiretapping stemming from the June 17 break-in at the Democratic National Committee's Watergate headquarters.

The other five defendants, including former White House aide E. Howard Hunt Jr., pleaded guilty to the same charges earlier in the trial. The two defendants who were convicted were G. Gordon Liddy, also a former White House aide, and James W. McCord Jr., former security director for the Committee for the Re-election of the President.

In his brief letter to Sirica, Ervin also asked that sealed portions of the trial transcript also be made available to the seven-member, bipartisan committee that was established Feb. 7 to conduct a broad inquiry into charges of political espionage and sabotage.

Although Silbert's memo states that the government favors turning over the grand jury minutes, the brief continues to say that "we feel obliged, as officers of the court, to point out to the court for its guidance the limitations imposed by the law with respect to disclosure of grand jury minutes."

Silbert cites three instances in which grand jury minutes may be disclosed and finds that none of the examples applies.

Silbert said he analyzed the circumstances under which grand jury minutes may be disclosed and found that none is applicable in this case.

Addressing himself to Ervin's request, Silbert says, "There is no precedent for such a release. In fact, our research has not uncovered any case in which the issue has been raised or resolved."

After the trial was over, Sirica, who had expressed hope before and during the trial that the prosecution would "get to the bottom" of the Watergate incident, said publicly that, "I have not been satisfied and I am still not satisfied that all the pertinent facts that might be available . . . have been produced before an American jury."

Sirica said he hoped that the Senate committee "is granted the power by Congress . . . to try to get to the bottom of what happened in this case."

LOS ANGELES TIMES
7 FEB 1973

50-Year Itch: Mailer Takes on FBI and CIA

NEW YORK (AP)—Norman Mailer is 50 years old and has dreams of policing the police.

At a party to celebrate his golden birthday, the controversial author announced his plans for "The Fifth Estate" a foundation he said would organize money and people to investigate the FBI and the CIA.

It was heavy news for a crowd of almost 600 guests, who had paid $30 Monday night to hear "an announcement of national importance," to drink and eat at New York's Four Seasons Restaurant, and to gape at celebrities such as Bernardo Bertolucci, director of "The Last Tango in Paris," former Sen. Eugene J. McCarthy (D-Minn., writers Peter Maas—"The Valachi Papers" — Jimmy Breslin, and of course, Mailer.

"Only Norman Mailer could give a party and charge admission," said author Arthur Schlesinger.

Robin Moore, author of "The French Connection," flew in from Las Vegas. He has a book coming out called "The Fifth Estate" about the Mafia and was worried Mailer would announce a book of his own by the same name.

Word Awaited

None of the guests knew what the ballyhooed announcement would be as the party began. "He's going to have a vasectomy," someone suggested. "Alimony and child suport," a reporter guessed. "Norman and Jackie have something going," joked columnist Murray Kempton. Murray Kempton.

Film producer Andy Warhol was taking pictures with his Polaroid camera. Wearing blue jeans, a haphazardly tied maroon bow tie and a motley tweed jacket, Warhol took several pictures of Mailer's mother.

"He's so far above other people. He's a genius. What mother wouldn't be proud?" said Fanny Mailer.

Bertolucci was surrounded by beautiful women. "I am a big friend of Mailer, though this is the first time that I met him," he said.

Mailer Speaks

Mailer, tanned, trim and with a drink in his hand, spoke from the podium.

"If someone were to do a book about egomaniacs, Muhammad Ali would be in the first chapter and Breslin and I maybe in the third.

"I've had this idea for a lifetime," said Mailer, as he handed cab money to his two teen-age daughters to get home. "And my 50th birthday seems a good occasion to introduce it."

He said "The Fifth Estate" would be a "peoples FBI and CIA . . . a democratic secret police to keep tabs on the bureaucratic secret police."

(He said Tuesday he would like to see the group, once it is organized, investigate things like the assassination of John F. Kennedy and the Watergate bugging incident to determine the truth about both events, Reuters reported.

(He added, "We are going to find how far our paranoia is justified.")

THE ECONOMIST FEBRUARY 3, 1973

Secrets on trial

The much-delayed trial arising from the publication of the Pentagon papers, the secret study of the Vietnam war, is at last under way in Los Angeles. Dr Daniel Ellsberg and his co-defendant, Mr Anthony Russo, claim to be pleased with the new jury which will judge whether or not they are guilty of espionage, theft and conspiracy. The old jury, painfully assembled last summer, looked middle-aged and not conspicuously anti-war. But those jurors were dismissed and a mistrial declared in December because of the long legal delay incurred after it was revealed that the prosecution had tapped the wires of a lawyer for the defence. The new jury, while not much younger, with 10 women and two men, one a badly wounded veteran of the war, is more to the defence's liking.

Two big questions may be answered by the trial. One is whether government classifications such as "top secret" have any legal validity, for the United States has no official secrets act. The other is whether the espionage acts can be used to prosecute Americans who have given information to the public, rather than to foreign agents; this is the usual action proscribed under the heading "espionage." Dr Ellsberg is accused of taking 18 volumes of the Pentagon's study of the Vietnam war from the Rand Corporation in Santa Monica, where he was employed, of copying them, along with Mr Russo and others (who are not being charged) and giving them to the press. The government is attempting to prove that the facts revealed jeopardised national security. The defence is countering with evidence that much of the material had already been made public under the imprint of the Government Printing Office. This week the defence won a considerable victory when it secured copies of secret government studies which state that the disclosure of over half the Pentagon papers did not affect the national defence. Evidence was also given that the government had tried to conceal these studies.

The American press is watching the trial with great attention because no one has ever before been found guilty of leaking classified information to the press. Although no one before Dr Ellsberg seems ever to have leaked such quantities, his conviction would set a precedent at a time when the conservatism of the current Supreme Court has taken away another of the American press's traditional protections—that of refusing to reveal its confidential sources of information. In Boston, in November, where a grand jury was looking into the distribution of the Pentagon papers, a Harvard professor was sent to jail—in chains—for refusing to tell the names of people with whom he had discussed the papers.

Dr Ellsberg remains an ambiguous figure. A former defence analyst for the Rand Corporation, he has not been taken up by the anti-war movement in the way that the Berrigan brothers have. His efforts to raise money for his considerable legal expenses—about $400,000 since June, 1971,—have been hampered by the public knowledge that he has a very rich wife and by ignorance or disbelief of the fact that her father, the toy manufacturer, Mr Louis Marx, has refused to contribute to his son-in-law's defence. Ironically, Dr Ellsberg himself now disdains the part of scholar and intellectual, even though critics have praised his recent book, "Papers on the War," as being a major (and perhaps his most important) contribution to an understanding of why successive and very different Presidents intensified the American involvement in Vietnam.

NEW YORK TIMES
2 February 1973

Defense Aide Denies Ordering Cover-Up Of Ellsberg Studies

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 1 — In direct contradiction to another witness, a Defense Department official denied in the Pentagon papers trial today that he had written a memorandum ordering that studies of the papers be "removed from the files."

Yesterday, and again today, Lieut. Col. Edward A. Miller Jr., a retired Air Force officer, testified that he had seen such a memorandum, which had been written, he thought, because the studies involved concluded that disclosure of the Pentagon papers had not damaged the national defense.

But today the man he said had written the memorandum denied that he had. He was Charles W. Hinkle, director of security review for the Defense Department and formerly Colonel Miller's superior in the Office of Security Review.

Colonel Miller had testified that in the middle of December, 1971, he was assigned to analyze nine volumes of the Pentagon papers to determine if their disclosure had damaged the national defense. The information was to pass from him to his superiors in the Defense Department and on to the Justice Department to be used in the prosecution of Daniel Ellsberg and Anthony J. Russo Jr.

This afternoon, the prosecutor, David R. Nisson put Mr. Hinkle on the witness stand and asked him:

"Had you assigned Mr. Miller?"

"No," said Mr. Hinkle.

"Did you know he was doing an assessment?," the prosecutor asked.

"I was unaware of it," was the answer.

Mr. Hinkle was then asked if he had ever been told by his superiors, most particularly Jerry W. Friedheim, Deputy Assistant Secetary of Defense for public affairs, to get the Miller analyses removed from the files.

"No, not according to my recollection," Mr. Hinkle answered.

Did he ever write a memorandum saying that the analyses should be removed from the files?

"No," he said.

"Were the reports removed from the files?" Mr. Nissen asked.

"Not to my knowledge," Mr. Hinkle answered.

Colonel Miller had testified that not only had he seen a memorandum saying that his analyses should be removed from the files, but that in a private conversation with Mr. Hinkle he had been told that such an order had been given, and that Mr. Hinkle then added that if he were Colonel Miller he would keep a copy of the material despite the orders.

Asked if this conversation had ever taken place, Mr. Hinkle said, once again, "Not to my recollection."

Mr. Hinkle is a short, round man, who wears a white beard and black rimmed eyeglasses. He has a thick Southern accent and a merry face. Yesterday, when he walked into court, he smiled at Colonel Miller, and the colonel responded by raising his arm high in the air and giving him the V signal with his fingers.

Today, Mr. Hinkle, who has spent 32 years working for the Government, mostly in the Defense Department, was asked by Mr. Nissen his feelings toward the colonel. He answered, "I hold him in high esteem."

He then underwent cross-examination from Chares R. Nesson, one of Dr. Ellsberg's attorneys.

The defense has been contending for many months that there have been a number of Government analyses of the Pentagon papers—all of them done to determine whether their disclosure affected the national defense.

In April, United States District Court Judge William Matthew Byrne Jr., who is presiding over this trial, ordered the Government to produce in camera all such analyses and correspondence relating to them.

And ever since then, until recently, the Government has denied the existence of the analyses. Then, after the Government's own first witness, Frank A. Bartimo, an assistant general counsel to the Defense Department, admitted their existence when he testified on Jan. 18, the Government started handing over the analyses to the judge.

The importance of these analyses is that the defense has been contending that they contained exculpatory evidence; that is, evidence that the prosecution has that would tend to prove the innocence of the defendants.

Judge Byrne, who has reviewed most of the reports, has ruled that they do contain much exculpatory material and has ordered it turned over to the defense.

The defense attorneys had placed particular importance on Colonel Miller's analyses of the papers, because they believed that they could prove that his work had been ordered suppressed. If so, that fact in itself would be exculpatory, they held.

Dr. Ellsberg and Mr. Russo are accused of eight counts of espionage and seven of theft and conspiracy. Thus far, the material declared exculpatory by Judge Byrne cuts across all these charges. To prove the espionage counts, the Government must first prove that the alleged illegal actions of the defendants damaged the national defense.

Judge Byrne could throw out some of the counts against the defendants because of the exculpatory material. At the very least, the defendants will be able to use the exculpatory material—all of it Government analyses saying that the defendants' actions did not damage the national defense—to defend themselves before the jury.

The jury has not sat in this case this week while the matter of exculpatory material was being thrashed out.

NEW YORK TIMES
6 February 1973

JUDGE WEIGHING ELLSBERG MOTION

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 5—The defense in the Pentagon apers trial asked the judge today to preclude the Government from presenting evidence based on two of the "top secret" documents in this case. The judge said he would consider the request.

If granted, this would have the practical effect of throwing out two of the eight espionage counts and one of the six theft counts against Daniel Ellsberg. None of the three counts involved Dr. Ellsberg's co-defendant, Anthony J. Russo Jr. There is also a conspiracy count against them.

The motion was made by Leonard B. Boudin, one of Dr. Ellsberg's attorneys, on the ground that there exists exculpatory evidence in the two documents and that the two documents are the only ones involved in those particular counts. Mr. Boudin cited as precedent the Federal Rules of Criminal Procedure.

One of the documents involved is a volume of the 47-volume Pentagon papers and the other is the 1954 Geneva Accord memorandum. In the indictment against the defendants, they are accused of misusing 18 volumes of the Pentagon papers, the 1954 Geneva Accord memorandum and a 1968 Joint Chiefs of Staff memorandum.

Involved in Mr. Boudin's motion were count six of the indictment and couts eight and 13. In six, a theft count, Dr. Ellsberg is accused of conveying "without authority" one of the diplomatic volumes of the papers to Vu Van Thai, a former South Vietnamese Ambassador to the United States, who came to oppose the war in Vietnam. Mr. Thai has been named as co-conspirator in this case but not a defendant.

The name of the volume involved is "The United States-Vietnam Relations 1945-67: Settlement of the Conflict—Negotiations, 1967-1968, History of Contacts."

United States District Court Judge William Matthew Byrne Jr., who is presiding, has ruled that the volume contains exculpatory evidence — evidence that would tend to prove the innocence of the defendants. In this case, it consists of the Government's own analyses to the affect that disclosure of portions of the 20 documents in this case, including this volume, did not damage the national defense. To prove espionage, the Government must first prove that the national defense was injured.

Counts eight and 13 are espionage counts against Dr. Ellsberg. Eight accuses him of "for the purpose of obtaining information about the national defense" taking the 1954 Geneva Accord memorandum from the Rand Corporation in Santa Monica.

The judge has ruled that there exists exculpatory evidence on the accord memorandum. In count 13, Dr. Ellsberg is accused of unlawful possession of the same volume in count six and of transmitting that volume to Mr. Thai; only in this count the volume is said to relate to the national defense, which makes it an espionage charge.

While Judge Byrne did not rule on this motion, he told the defense that he was not going to let the jury know, at this point in the trial, about the week-long argument over exculpatory evidence and the fact that the Government had been withholding it.

The jury returned to court today for the first time in a week. Testimony had been halted while the arguments before the judge over the evidence were being presented.

Wednesday, Feb. 7, 1973 THE WASHINGTON POST

Ellsberg Case Defense, U.S. Expert Match Wits

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Feb. 6—Although much of the evidence in the Pentagon Papers trial this week has been documentary and dry, the jurors hearing the case are paying rapt attention.

What seems to attract them is less the substance of the charges against Daniel Ellsberg and Anthony J. Russo Jr. — conspiracy, espionage and theft of government property —than the way those charges are currently being fought out.

As if watching a tennis match, the jurors turn their heads back and forth, almost in unison, to follow the sparring between two men of different styles on opposing teams, Leonard B. Boudin and Brig. Gen. Paul F. Gorman.

The defense attorney, Boudin, is a rumpled, disorganized, bemused man who seems alternately like an absent-minded professor and a witty courtroom jester.

He is cross-examining prosecution witness Gorman, who is natty, precise and proud of having served with the American delegation at the Paris peace talks. Gorman warns before the answer to every question that "this is going to take some explanation," and the "explanation" is inevitably accompanied by elaborate hand gestures aimed toward the jury.

Both men are obviously intelligent, quick-thinking and egotistical.

Their confrontation, occupying the 30-foot space between the witness stand and the lawyers' podium, renders everyone else in the room, even U.S. District Court Judge W. Matt Byrne Jr., a mere spectator. Thus far, it seems a standoff.

The prosecution has touted Gorman as an expert in the field of international relations, who can testify with authority on the effects of disclosure of the Pentagon Papers.

Boudin, however, does not accept that characterization. He asked the general on Monday, "What books on international relations have you been reading in the last several years?"

"I'd be happy to give you a bibliography, Mr. Boudin," the general shot back with assurance.

"Okay, name five," said the defense lawyer with his usual smirk.

There was a stony silence of at least a minute, while Gorman leaned back in the witness chair, his hands on the lapels of his suit jacket. Finally, he listed some books: "The Art of War" and "Dealing with Warfare," among others.

"But these books all deal with the subject of war," observed Boudin plaintively. "What about international relations?"

Now it was Gorman's turn to smile. The man who originally introduced himself to the jury on Jan. 23 as "a soldier," said, "these have all been very instructive in my work."

"Quite right," commented Boudin with a haughty glance toward the jury box.

Boudin has bedeviled the witness with his use of "hypotheticals"—"If this information had already been public knowledge, what would happen?" "If this book had been published by the Department of Defense, would it have more authenticity?"

After a time, Gorman fought back with his own "iffy" answer. Interrupted by the judge, the general explained, "I was doing a little hypothetical myself."

Today, the discussion focused on why some passages in the Pentagon Papers were especially sensitive. Gorman asserted, as he had previously, that any public discussion of a National Security Council meeting could be "useful" to a foreign power.

Boudin introduced into evidence numerous passages from the late President Lyndon B. Johnson's memoirs, "The Vantage Point," each one detailing what had gone on at an NSC meeting at a crisis point in the Vietnam war.

With a heavy tone of incredulousness in his voice, Boudin asked repeatedly, "This information would be of use to a foreign nation?"

"Of possible use," Gorman conceded each time.

But apparently realizing that he may have been trapped into implying that Mr. Johnson had done just what Ellsberg and Russo are charged with doing, the general began adding, "If they had no other source of information on the subject."

Many of Boudin's questions were vetoed by Judge Byrne. But, like any classic cross-examiner, he seemed to get his points across by asking objectionable questions and by repeatedly holding up the Johnson book.

At day's end, Boudin got Gorman to admit that when he was first asked to work with the prosecution in the Pentagon Papers case last spring, he appealed to his superior officers to relieve him of the assignment.

Gorman, who has shown every sign of enjoying his days on the witness stand, said he had complained at the time that because of his duties running the Army Infantry School at Ft. Benning, Ga., he "could not in conscience accept the assignment" here. But the complaint was in vain, and Gorman has been on the case ever since.

The general also acknowledged that he had originally agreed to cooperate with the defense by granting an interview with one of Ellsberg's attorneys, but that he later backed out on the advice of the chief prosecutor, David R. Nissen.

NEW YORK TIMES
8 February 1973

ELLSBERG JUDGE BARS ONE CHARGE

Evidence on a Memorandum Will Not Be Accepted

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 7—The judge in the Pentagon papers case took action today that will result in the dismissal of one of the espionage charges against Daniel Ellsberg.

Judge William Matthew Byrne Jr. precluded the Government in United States District Court from presenting evidence on one of the top secret volumes in this case because exculpatory evidence exists on it. The document in question is a memorandum on the 1954 Geneva Accords.

Judge Byrne also ordered that all Government witnesses appear before him before they give testimony. He wants to find out, he said whether they have been told not to allow defense attorneys to interview them in preparing to defend this case.

Dr. Ellsberg and Anthony J. Russo Jr. are accused of eight counts of espionage, six counts of theft and one count of conspiracy.

Count eight in the indictment accuses Dr. Ellsberg of taking the Geneva Accord memorandum illegally from the Rand Corporation office in Santa Monica, Calif., "for the purpose of obtaining information about the national defense."

To prove espionage, the Government must show that the defendants' alleged illegal acts were related and damaging to the national defense.

The 20 documents in the case are 18 volumes of the 47-volume Pentagon papers, the 1954 Geneva Accord memorandum and a memorandum from the Joint Chiefs of Staff in 1968. They were marked "top secret-sensitive." All were first made public by The New York Times in a series of articles that started June 13, 1971.

The judge said that his precluding the Government from presenting evidence about the Geneva Accords memorandum was a "sanction" against the Government. In the normal course of events, perhaps after the Government presents its case, or perhaps when he charges the jury, it is assured that that count at least will be dropped.

Judge Byrne said that the "sanction" was issued because the Government had not told him its own analysts had concluded that that document could have had no effect on the national security when released. He had indicated earlier there would be oter similar sanctions for the same reason.

Exculpatory evidence is evidence that is in possession of the prosecution that would tend to prove the innocence of the defendant.

Thus far, the judge has ruled that there is exculpatory evidence touching on 13 of the 20 documents in the case, and this, in turn, touches on nearly every count in the indictment. That does not mean that these counts will also be dismissed. Other documents, for which no exculpatory material exists, are involved in portions of the other counts.

Count eight was one of the few counts involving a single document, and the judge ruled that there was exculpatory evidence on it. In granting the defense motion to preclude that one document, the judge denied a motion to preclude presenting another document in evidence—one of the so-called "diplomatic" volumes of the Pentagon papers—because he said there was only a small amount of exculpatory evidence concerning that volume.

Had he ruled otherwise, another espionage count and one theft count would have, in effect, been dismissed.

The exculpatory material consists of those portions of the Government's own analyses that the disclosure of the Pentagon papers and the two other documents did not damage the national defense.

Judge Byrne ordered that the material be turned over to the defense, but so far the defense has not officially offered it in evidence, and the jury is not yet aware of its existence.

The defense apparently intends to offer it into evidence slowly, after a buildup most likely aimed at whetting the jury's appetite.

That buildup started today during the continued cross-examination of Brig. Gen. Paul F. Gorman, a prosecution witness, by Leonard B. Boudin and Leonard I. Weinglass, attorneys for Dr. Ellsberg and Mr. Russo, respectively.

Mr. Boudin, for instance, simply handed General Gorman sheets of the exculpatory material and, without asking him to read them to the jury, asked if the general had known of their existence before giving testimony. The general said no to each inquiry.

One question went like this: "Prior to your testifying in this case, were you ever informed by anyone in the Defense Department that officials of the Defense Department had studies done to determine their (The Pentagon papers) relation to the national defense?"

After the general had answered in the negative to a series of such questions, he said finally that he had learned of the Government's various analyses of the papers only on Sunday night.

That series of questions alerted the courtroom to the existence of Defense Department and State Department documents that the general had not read before preparing his

NEW YORK TIMES
9 February 1973

'EDUCATION' GIVEN ELLSBERG JURORS

Defense Dwells on Secrets and Character of War

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 8—The jury in the Pentagon papers trial started today to get an "education" about the Vietnam war and also about documents that the Government contends contain military secrets.

The education, offered by the defense, is shaped to influence the jury, to decide that it was a bad war, and further, that what one person considers a military secret another may feel is only an interesting bit of history.

This is being done through the cross-examination of Brig. Gen. Paul F. Gorman, the prosecution's major witness, who was the senior ranking military officer on the panel that put together the Pentagon papers and who was assigned by the Army to work on this case as an expert witness.

Today was his third day under cross-examination. Previously, he had testified to the effect that disclosure of the Pentagon papers could have helped Hanoi during the war and, therefore, had damaged this country's national defense.
PPU 1st add ellsberg

New Line of Questioning

Daniel Ellsberg and Anthony J. Russo Jr. are accused of eight counts of espionage, six of theft and one of conspiracy. To prove espionage, the Government must first prove that the national defense was damaged by their acts.

Leonard B. Boudin, one of Dr. Ellsberg's attorneys, started the cross-examination, attempting to destroy General Gorman's credibility as an expert witness on intelligence matters and as a military expert in the field of foreign relations.

Yesterday and today, Leonard I. Weinglass, one of Mr. Russo's attorneys, undertook the cross-examination. His job seemed to be to educate the jury about the war and about military secrets and to show that much of the information contained in the Pentagon papers had been public knowledge before the papers were disclosed.

He also sought to give the jurors their first slight knowledge that somewhere there exist secret Government analyses showing that disclosure of the papers did not damage the national defense. Presumably, he wanted to whet the jury's appetite for those analyses.

Portions of such analyses have been ruled by United States District Court Judge William Matthew Byrne Jr., who is presiding to be exculpatory material — that is, material in the hands of the Government that would tend to prove the innocence of the defendants. He ordered the material turned over to the defense.

Excerpts Read to Jury

Eighteen volumes of the 47-volume Pentagon papers are involved in this case, and today Mr. Weinglass started going through each one and having General Gorman read excerpts from them to the jury.

From one volume, dealing with the year 1954, he had the general read that the "loss of even all of Indochina is no longer considered to lead to the loss of all Asia to the Communists," a statement that contradicted one of the major justifications American officials had long used to continue the war.

He also had General Gorman read this line from a National Intelligence Board estimate: that "Almost certainly [the South Vietnamese Government] would not be able to defeat the Communists in a countrywide election." The board is the United States' highest intelligence unit, consisting of this nation's top six intelligence officials.

Whether the defense was making its points clear to the jury or whether the jury was accepting them as valid only time will tell. Eleven of the 12 jurors and six alternates carried notebooks and pens or pencils.

A good portion of the day was spent in having the general read excerpts from a volume that he had worked on with Dr. Ellsberg.

Reads From Article

The general also read from another document, a secret memorandum written by Edward G. Lansdale, now a brigadier general but during much of the Vietnam war a top agent of the Central Intelligence Agency who worked in Vietnam.

The Lansdale memorandum said that the United States could not "help create a Fascist state [in South Vietnam] and then get angry when it doesn't act like a democracy."

Mr. Weinglass also had the general read from an article in "The Journal of Foreign Affairs," for April, 1966, written by another C.I.A. agent, George

testimony.

General Gorman, who helped put together The Pentagon papers, is the prosecution's major witness on the effect their disclosure might have had on the national defense; so far, he has insisted that the disclosure of the papers could have been helpful to Hanoi in 1969 during the Vietnam war.

Much of the defense's cross-examination of him today was aimed at showing that a lot of the information contained in the Pentagon papers was in the public domain before the papers were made public.

For example, the general had previously testified that the details in the Pentagon papers of the coup that ousted Ngo Dinh Diem as President of South Vietnam had damaged the United States' national defense. President Diem was assassinated Nov. 1, 1963.

BALTIMORE SUN
9 FEBRUARY 1973

A. Garver Jr. Much of the material in the article covered the same events that were covered in portions of the Pentagon papers.

He also had the general read similar material from the Congressional Record.

"The Congressional Record is a public document, isn't it?" he asked.

"Absolutely," replied the general.

This, of course, touched on the public domain. It was also offered apparently to show that what General Gorman considered military secrets Mr. Garver and the Congressional Record seemed to think was merely history.

The general was next asked to read a statement from a Pentagon study that said the national defense had not been affected by the release of a particular volume of the papers. The study was written by William Gerhard, an intelligence expert.

"If you had seen the Gerhard study, would his conclusion have altered your own opinion?" the general was asked.

"Not necessarily."

Would the general have taken it into account?

"No, I don't believe so," was the answer.

"You would have just disregarded it?"

"Yes, I would have disregarded it," General Gorman replied.

Ellsberg defense stresses failure to inform witness

By a Sun Staff Correspondent

Los Angeles—A defense attorney in the Pentagon papers trial yesterday sought to further attack the government record in the case by stressing the prosecution's failure to keep even its own witness informed.

Leonard Weinglass, an attorney for Daniel Ellsberg and Anthony R. Russo, pounced on an admission by a key government witness, Brig. Gen. Paul F. Gorman, that he was unaware that an intelligence communications expert had analyzed one of the top-secret volumes and concluded that its disclosure would not damage American national defense "in 1969 or at this time."

Yields little ground

General Gorman is a senior member of the Defense Department task force which compiled the Pentagon papers. He has yielded little ground in cross-examination of his testimony that this secret documentary history of American involvement in Southeast Asia would have been "of use to augment the intelligence of a foreign country."

But the general did admit, on the fourth day of defense cross-examination, that he did not know before testimony that William Gerhard, a 20-year communications intelligence veteran of the National Security Agency, had analyzed a volume entitled "Origins of Insurgency" and found its release likely to be harmless to the national security.

General Gorman told Mr. Weinglass that at none of his meetings with David R. Nissen, the government prosecutor, had he been informed of the Gerhard assessment.

He had, the general said, discovered it last weekend, when he had a telephone conversation with Mr. Gerhard. That was after the general had testified for the prosecution. Dr. Ellsberg and Mr. Russo are charged with espionage, conspiracy and theft relating to top-secret documents.

The general said he "would concede that Mr. Gerhard is an expert" and that he would trust any opinions he reached in the field of communications intelligence.

But under further questioning by Mr. Weinglass, General Gorman said Mr. Gerhard's opinions would "not necessarily" have altered his own views on the sensitivity of the papers involved.

The defense counsel made a point of the witness's admission that he had not "known of the existence" of the Gerhard evaluation before taking the stand.

The Ellsberg-Russo defense seized upon this as further ammunition in efforts to have charges against their clients dropped, and to even achieve a mistrial by proving government attempts to conceal evidence favorable to the defendants.

WASHINGTON POST
10 February, 1973

Ellsberg Defense Tries to Block U.S.

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Feb. 9—The defense in the Pentagon Papers trial moved tonight to block the government from presenting a major element of its case against Daniel Ellsberg and Anthony J. Russo Jr.

Attorneys for Ellsberg and Russo asked U.S. District Court Judge W. Matt Byrne Jr. not to admit into evidence the "industrial security manuals" used by the Defense Department and the Rand Corp., a "think-tank" in nearby Santa Monica, to govern access to classified information.

Calling Richard Best, Rand's top security officer, as a witness, chief prosecutor David R. Nissen sought to introduce the manuals, whose provisions he contends Ellsberg and Russo violated when they allegedly removed the Pentagon Papers and other secret documents from the Rand files in 1969.

Nissen said he would rely on the manuals—and on various receipts and other forms signed by the defendants while they were Rand researchers—in proving the charges against them of conspiracy, espionage and theft of government property.

Such evidence is necessary because the federal government's standards for the handling of classified material are not specifically set out in any one body of laws.

But Leonard B. Boudin and Peter Young, representing Ellsberg and Russo, respectively, raised vehement objections. They argued that the security manuals merely define the relationships between the Defense Department, government contractors (such as Rand), and the contractor's employees.

Boudin described the manuals as "a melange of threats, warnings, and so forth" which could be used as a defense contractor's bias for dismissal of employees who disobey the rules.

He insisted, however, that they cannot be used to show that criminal acts occured. Violation of the manuals and of the criminal laws are two different things, Boudin argued.

The dispute, which has been lurking as an issue in the case for months, arose after Best had barely taken his place on the witness stand.

Byrne sent the jury home for the weekend and then heard the attorneys' arguments. He said he would rule on the issue Monday morning. If he decides the point in the prosecution's favor and if Ellsberg and Russo are ultimately convicted, the authority and relevance of the manuals could become a significant point in an appeal of that conviction.

Earlier in the day, another prospective government witness, Jan Butler, who was Rand's "top secret control officer" in 1969, told the judge that Rand officials and lawyers had instructed her not to grant any interviews with defense attorneys in the Pentagon Papers case.

Byrne, pointing out that witnesses in a criminal case are never "the special property" of either side, told Miss Butler: "Let me negate those instructions. If you have any desire to talk with defense counsel, let them know."

One of Ellsberg's attorneys immediately renewed his earlier request to interview Miss Butler, but she left the federal courthouse in the company of her own lawyer without responding.

The judge probed both Best and Miss Butler on that point after learning earlier in the week that Nissen had "advised" a key prosecution witness, Brig. Gen. Paul F. Gorman, not to talk with the defense.

Gorman left the witness stand today after eight days of testimony on whether disclosure of the Pentagon Papers had any effect on the "national defense."

BALTIMORE SUN
9 FEBRUARY 1973

Ellsberg trial: The war fades in a courtroom of landmark size

BY MURIEL DOBBIN
Sun Staff Correspondent

Los Angeles—In a sedate California courtroom, the reverberations of a receding war mingle with the rustlings of legal papers in what ultimately could have a far-reaching impact on the lives of Americans.

The bearded and the blue-jeaned of the anti-war faction are gathered in the federal District Court here as spectators at the trial of two men accused of a "crime" as controversial as the war that led them to commit it.

This is the Pentagon papers case, that complex mixture of spy thriller and legal landmark that the prosecution presents as a matter of simple theft of top-secret documents and the defense depicts as posing a major test of the First Amendment and how much the public has a right to know about what its government is doing.

The charges are espionage, conspiracy and theft relating to 18 secret volumes of the 47-volume Pentagon history of the American involvement in Southeast Asia during four presidential administrations.

The explosive governmental reaction to the publication of these papers in June, 1971, led to newspapers being restrained from printing them, which led to the 6-to-3 Supreme Court ruling that they could be printed but that a newspaper could be prosecuted if the government could prove damage to the national defense.

The defendants in the Pentagon papers case are Daniel Ellsberg, and Anthony J. Russo, who offer an intriguing study as examples of the kind of men who changed their minds about the Vietnam war.

Dr. Ellsberg is a tall, thin, pale, Byronesque figure, a former Marine Corps officer and Vietnam hawk, a former research associate at the Massachusetts Institute of Technology, a specialist in economics and political science and a former adviser to the State Department and the Pentagon.

If he were convicted on all of the 11 counts remaining against him, he could be sentenced to prison for more than 100 years. He contends that he did what he did to help and not harm the United States. After his conversion from Vietnam hawk to dove, he became convinced that the American public had a right to know more than it was being told about the nation's policy toward the war in Southeast Asia.

Anthony J. Russo is rumpled and roly poly, an economist and aeronautical engineer who helped design the first American space capsule. During two years spent in Vietnam, he talked at length with Viet Cong prisoners, and returned home, as he has put it, "radicalized," and an opponent of American foreign policy in Southeast Asia.

Both Dr. Ellsberg and Mr. Russo were employees of the Rand Corporation, the "think tank" in Santa Monica, Calif. It has a $27 million annual budget to finance research and development projects for military and civilian groups and has a staff of about 500 experts in economics, engineering and social sciences.

The Defense Department is among the Rand Corporation's clients, and Rand had two copies of the secret 47-volume Pentagon study on the war.

The indictments against Dr. Ellsberg contend that between March and September, 1969, he took the Pentagon papers out of the Rand offices in Washington and flew with them to Los Angeles where he copied them with Mr. Russo's help.

It has been reported that Dr. Elisberg made an effort to have the contents of the Pentagon papers publicized by official sources, approaching Senator J. William Fulbright (D., Ark.), chairman of the Senate Foreign Relations Committee; Senator George S. McGovern of South Dakota, the former Democratic presidential nominee, and Henry A. Kissinger, the White House national security adviser.

Efforts made by Senator Fulbright to obtain the history of the Vietnam decision-making process were unsuccessful. Melvin R. Laird, then Secretary of Defense, told Mr. Fulbright by letter in 1969 that it would be "contrary to the national interest to disseminate more widely" such sensitive documents.

On December 30, 1971, Dr. Ellsberg was indicted, and charges were also brought against Mr. Russo as a recipient of stolen documents and as a co-conspirator.

Mr. Russo could receive a 35-year prison sentence. Other co-conspirators were Lynda Sinay, a Los Angeles advertising woman in whose office the papers were said to have been copied, and Vu Van Thai, a former South Vietnamese ambassador to the United States, whose fingerprints were allegedly found on some of the secret documents. Neither Miss Sinay nor Mr. Thai have been indicted.

The path to the Pentagon papers trial, now entering its third week has been punctuated by postponements, including a four-month delay that led the original jury being dismissed by the Ninth Circuit Court of Appeals. The dismissal was based on possible prejudice caused by the federal wiretapping of one of the defense attorneys.

The second Ellsberg jury—consisting of 10 women and two men, including a 24-year-old severely wounded Vietnam veteran—has before it a case in which ethics, morality, constitutionality and crime all are being inextricably mixed.

David R. Nissen, the government prosecutor, has emphasized that the government would present a simple case of theft, and would not present "any evidence on the information policies of the government or evidence of whether the government has withheld information about the war."

He also stressed that no evidence would be offered on why the alleged offenses were committed, declaring "motives do not excuse doing something wrong."

Leonard Boudin, one of the defense attorneys, in his opening statement to the jury, predicted that they would conclude that the revelation of the Pentagon papers "was helpful to the United States."

He contended that Dr. Ellsberg's motivation was to make the information available to the Senate Foreign Relations Committee and to the public.

The defense argues that Dr. Ellsberg was not guilty of theft in removing the Pentagon papers from the Rand Corporation, since he had government clearance to see them, had helped to write them and returned them after copying them.

The defense also takes issue with the government regarding its system of classifying information by labeling it "top secret," stressing that no statute gives the executive branch the right to establish such a system.

There are those who fear that the upholding of the charge that Dr. Ellsberg and Mr. Russo defrauded "the United States by obstructing its governmental function of controlling dissemination of classified government studies" would strengthen future cases against officials who co-operate with newsmen in publicizing any kind of "classified information."

Dr. Ellsberg and Mr. Russo are charged under a provision of the Espionage Act prohibiting disclosure of any information "relating to the national defense" by one who "has reason to believe this could be used to the injury of the United States or to the advantage of any foreign nation."

The defendants are the first persons to be charged under this section without being charged with passing information to foreign agents and one of the anxieties of constitutional authorities regarding the case is that a conviction could lead to increasing government power to conceal what amounted to no more than embarassing facts.

It is such concerns which make the Ellsberg-Russo case a potential test of the First Amendment and its protection of freedom of speech and freedom of the press.

Since the trial began, the defendants have won what could prove to be a major victory over the government when Judge William Matthew Byrne, Jr., who is presiding over the case, provided the defense with increased ammunition by ordering the prosecution to turn reports over showing that Dr. Ellsberg's alleged offenses had not damaged national security.

Judge Byrne's ruling conformed to a 1963 Supreme Court decision—made in the case of an accused rapist in Maryland—that if a prosecutor possesses evidence tending to prove the innocence of the defendant, that evidence must be turned over to the defense.

Since April, 1971, Judge Byrne had been requesting that the government produce for his perusal all its studies of the Pentagon papers, especially any items bearing on evidence important to the defense case. When the first government witness, Frank A. Bartimo, an assistant general counsel to the Defense Department, testified that the prosecution had done many of these reports—something which had been denied by the prosecutor—the angered judge ordered their instant production.

A few days later, with the jury absent from the courtroom, Judge Byrne ruled that the government analysis con-

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tained exculpatory evidence and must be handed over to the defense.

He refused to grant motions for a mistrial or dismissal of the indictment, as a result of this development.

The judge made clear his disapproval of the government handling of such an important point, and hinted that he might impose "sanctions" on the prosecution.

That he meant what he said became clear Wednesday when he ordered that no prosecution evidence may be presented on how one volume of the Pentagon papers related to the case. This means that one of the 15 counts against Dr. Ellsberg will be dismissed at the conclusion of the prosecution case, since one count specifically relates to that volume.

Ellsberg Trial Told Public Data Could Aid Foreign Intelligence

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. —The major prosecution witness in the Pentagon papers trial said today that, as far as he was concerned, a geography book, public opinion polls and transcripts of Congressional hearings—all public information—could be helpful to foreign intelligence analysts.

The witness, Brig. Gen. Paul F. Gorman, made his statement under cross-examination by Leonard I. Weinglass, a defense attorney.

The defendants in the trial, Daniel Ellsberg and Anthony J. Russo Jr., are accused of espionage, theft and conspiracy.

Mr. Weinglass also elicited from the general the information that about 200,000 United States Government employes were privy to top secret information.

At one point during today's cross-examination, the general was shown an "execute message" from the Joint Chiefs of Staff dated Nov. 10, 1966. It was an extract from the Pentagon papers, and General Gorman had previously testified that its disclosure even as late as 1969 would damage the national defense.

The "execute message" authorized the Air Force and aircraft carrier planes to carry out bombing attacks on a series of North Vietnamese targets.

Mr. Weinglass then showed the general a report by Adm. Ulysses S. Grant Sharp Jr., commander in chief of the Pacific forces in 1965-1968. The report, written in 1968 and made public in 1969, had more detail about the same "execute message" than the Pentagon papers had.

General Gorman said that Admiral Sharp's report could have been "useful" to foreign intelligence but would not have been an "advantage" to a foreign nation. On such distinction his cross-examination ended.

WASHINGTON POST
11 February, 1973

'Secrecy' of Pentagon Papers Depends on Where You Look

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Feb. 10— It depends which end of the country you are in.

If you ask the State Department for a look at the four "diplomatic volumes" of the Pentagon Papers, you will be told, as Sen. J. William Fulbright (D-Ark.) was recently, that they are still "top secret-sensitive" and cannot be compromised.

But if you are in Los Angeles, no matter who you are, you can drop in at the U.S. District Court clerk's office and read and take notes on any one of six copies of the volumes.

The question is: were the volumes, which recount early American-North Vietnamese secret contacts through third parties, automatically declassified when the Justice Department introduced them into evidence against Daniel Ellsberg and Anthony J. Russo Jr.?

The State Department says absolutely not — they continue to require "adequate protection from unauthorized public disclosure."

Attorneys defending Ellsberg and Russo against charges of espionage, conspiracy and theft of government property say that is preposterous, because everything in evidence is "public."

U.S. District Court Judge W. Matt Byrne Jr., who has not had much experience with the vagaries of the security classification system, is not so sure.

He realizes that many pages from the sensitive volumes have been flashed on a screen before a full courtroom audience as prosecution witnesses can discuss them and that, one floor below, reporters and other members of the public come and go at will to read the volumes.

Nonetheless, Byrne has continued in effect a "protective order" that requires the defense to keep elaborate records and get receipts from anyone who looks at the volumes while helping prepare Ellsberg's and Russo's case.

The judge apparently feels this must be the rule until he gets official notice from the prosecution that the State Department considers the volumes to be officially declassified.

If Byrne is inclined to be patient with the State Department, he might find it interesting to read its recent correspondence with Fulbright, who is chairman of the Senate Foreign Relations Committee.

Fulbright has actually had a copy of the diplomatic volumes since November, 1969, when Ellsberg first approached Fulbright in his effort to bring the Pentagon Papers before Congress and the public.

As other members of Congress would later do, Fulbright refused to release the documents without the official consent of the executive branch, which was not forthcoming.

In June, 1971, The New York Times, The Washington Post and other publications printed articles based on the papers, allegedly provided by Ellsberg, but still did not include the material in the four diplomatic volumes.

(Articles based on the diplomatic volumes appeared in The Washington Post and other newspapers last summer, after columnist Jack Anderson obtained unauthorized access to some sections of them. Still, some passages of the sensitive documents, including the full texts of diplomatic cables, were disclosed for the first time as prosecution evidence in court here in recent weeks.)

Newspaper publication in 1971 led the Defense Department to give Congress restricted access to a complete, unexpurgated copy of the papers.

Fulbright then put his committee staff to work on studies of the documents, and several of the studies have been publicly released during the last 18 months.

But for over a year now, the senator has sought the State Department's agreement to the publication of a staff study entitled "Negotiations: 1964-1968," which is based exclusively on the diplomatic volumes. State has refused to agree.

As the Ellsberg-Russo trial approached, Fulbright wrote to Secretary of State William P. Rogers again on Jan. 3. The senator was obviously perplexed that the prosecutors in the case would be making "public disclosures" that the Foreign Relations Committee was not permitted to make.

Marshall Wright, acting assistant secretary of state for congressional relations, wrote back on Jan. 17, asserting that the volumes were still classified "top secret-sensitive" and that "this protection is expected to be considered necessary for the foreseeable future."

Wright sent Fulbright a copy of Judge Byrne's protective order and assured the senator that under its terms, "both the government and the defense are prevented from publicly disclosing the documents in question."

Such "restricted disclosure" as might occur during the prosecution of Ellsberg and Russo, Wright said, "is not considered materially to violate the protection required for the volumes, as would full public disclosure through declassification."

No sooner had Fulbright received Wright's letter than he began reading newspaper stories disclosing new passages from the diplomatic volumes.

(When the demand for the volumes became great in the

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court clerk's office here, five photocopies were made so that several people could read them at once. A special table for that purpose has been provided in the clerk's office, and the only restriction on access is that reporters may not photocopy any pages.)

Last Monday, Fulbright wrote to Rogers again, complaining that Wright's letter had been "confusing and potentially misleading."

"You may be interested to learn, as I was," Fulbright said, that the diplomatic volumes "are available daily for public inspection in the offices of the clerk of the U.S. District Court in Los Angeles.

"I must conclude," the senator continued, "either that the Department of Justice did not inform the Department of State that the volumes were open to the public, or that by virtue of some obscure reasoning or some undisclosed official action the opening of the volumes to the public by the court is not considered to constitute 'unauthorized public disclosure.'"

Fulbright posed several questions for the State Department to answer:

"Has the court violated the spirit of its own (protective) order? Has the court violated Title 18 of the U.S. Code? Does the court have the authority to declassify the volumes? And, finally, are the volumes now declassified?"

The chairman implored Rogers to come up with "any further reason" why the Foreign Relations Committee staff study of the diplomatic volumes "should not now be released."

As of today, Fulbright had not received an answer.

NEW PHASE BEGINS IN ELLSBERG TRIAL

Prosecutor Raises the Issue of Defendants' Pledges

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 12—The prosecution moved the Pentagon papers trial into a new phase today by going into the question of the security of classified documents.

It attempted to show that the defendants had access to such documents, and that one defendant, Daniel Ellsberg, checked them in and out with ease at the Rand Corporation.

It did so by introducing evidence, showing slides and presenting testimony aimed at showing that Dr. Ellsberg and his co-defendant, Anthony J. Russo Jr., had signed various pledges to respect the security of the classified documents they had access to.

For the purposes of this trial, those documents are 18 volumes of the 47-volume top secret Pentagon papers, a 1968 Joint Chiefs of Staff memorandum and a 1954 Geneva Accords memorandum.

The first phase of the Government's case, which ended Friday, was aimed at proving that the disclosure of those documents had damaged the national defense.

The defendants are accused of eight counts of espionage, six counts of theft and one count of conspiracy. To prove espionage, the Government must first prove that the defendants' actions damaged the national defense.

Government's Aims

Today, the Government set out to prove that Dr. Ellsberg and Mr. Russo not only violated the security of the papers but also knew exactly what they were doing.

In its effort to prove that Dr. Ellsberg had access to the papers, the prosecution showed slides of Rand's "top secret record of access" with Dr. Ellsberg's name on it.

This is leading into the next phase of the Government's case, in which the prosecution will try to prove the theft counts in the indictment by presenting evidence on the mechanics of how Dr. Ellsberg and Mr. Russo allegedly broke the laws—by transferring and copying the Pentagon papers, for instance.

Today's witness was Richard H. Best, a thin, almost hawk-faced man with sparse gray hair and steel-rimmed glasses, who is the Ran Corporation's top security officer.

Dr. Ellsberg had access to the Pentagon papers while he was working for the Rand Corporation, a private "think tank" that does research for the Defense Department.

Mr. Best, who was dressed in a bright yellow shirt and a medium blue suit belted in the back, had with him various security briefing and termination statements and security acknowledgement statements that the defendants had signed when they worked for Rand Corporation.

Slides of these were flashed on the large screen in the courtroom to show the defendants' signatures at the bottom. Mr. Best read from the statements in a monotone.

At one point, he read to the jury several sections of the Espionage Act.

The defense contends that the Government has not proved that Dr. Ellsberg and Mr. Russo violated Federal statutes, but only that they violated regulations of the Rand Corporation.

For instance, the Government is attempting to put into evidence books entitled "Industrial Security Manuals for Safeguarding Classified Information" and "Security Manuals for the Rand Corporation."

The former book governs security for private manufacturers doing business with the Defense Department, and the latter explains the former to Rand Corporation employes.

It is the contention of the defense that the prosecution has yet to prove that violating either one of those books is violating the law and further that the Government has yet to prove in court that a contract existed between the Defense Department and the Rand Corporation.

Because of these arguments, Federal District Court Judge William Matthew Byrne Jr., who is presiding, has not thus far allowed the two books into evidence.

The defense also contends that Dr. Ellsberg had security clearance to work with the Pentagon papers and that he had authorization from three Government officials, including Paul C. Warnke, Assistant Secretary of Defense for International Security Affairs, to use the papers. It says that his use of them was based on that authorization, not on the two security books.

BALTIMORE SUN
13 FEBRUARY 1973

Ellsberg-Russo defense paying high price for cause; trial budget runs $100,000 in the red

By a Sun Staff Correspondent

Los Angeles—The defense budget of Daniel Ellsberg and Anthony R. Russo in the Pentagon papers case has already topped $600,000 in 18 months, is running at $60,000 a month, and is $100,000 in the red.

According to Stanley K. Sheinbaum, chairman of the defense fund, the sad state of its finances is not due to public interest ending with the Vietnam war.

"We feel that the cease-fire has reminded people of what Daniel Ellsberg tried to do when he publicized the Pentagon papers," said Mr. Sheinbaum. An economist, he became involved in running the defense fund because he "felt it was something important."

Explaining the substantial nature of the Ellsberg-Russo defense budget, Mr. Sheinbaum said costs included the five attorneys working full-time on the case, plus a dozen lawyers working on special assignments.

The attorneys, he emphasized, were working for "subsistence-level fees" as were legal workers, researchers and secretaries.

But other major costs, he noted, were such items as $6,000 a month to purchase a single copy of the official transcript of the courtroom proceedings in the Los Angeles Federal Court.

It is also estimated that it will cost the fund about $20,000 to bring 30 defense witnesses to Los Angeles during the forthcoming weeks of the defense case.

Dr. Ellsberg and Mr. Russo have done their share in money-raising, according to Mr. Sheinbaum. He said their efforts on the lecture circuit and in writing articles had produced about $75,000.

Mr. Russo, who allegedly has been living on $500 a month for the past 16 months, has twice petitioned the court for financial assistance and been denied, Mr. Sheinbaum said. He was particularly indignant that the defendant had been refused a free copy of the official transcript.

Public appeals through mass mailings have resulted in about 20,000 donations to the Pentagon Papers Fund, Inc., according to Mr. Sheinbaum. Most of these contributions range from $1 to $25, although he said there had been substantial help from wealthy liberals.

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14 February 1973

ROLE OF ELLSBERG IS CALLED SPECIAL

Defense Cites Authority He Had in Use of Papers

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 13 — The defense in the Pentagon papers trial set out today to show that Daniel Ellsberg was not only authorized to use the papers but that he also had a special relationship to them that went well beyond Government authorization.

In essense, the defense argument is that the copy of the Pentagon papers that Dr. Ellsberg in turn copied and helped make public did not belong to the United States Government but was instead the private property of three former Defense Department officials—in much the same way that the papers in a Presidential library are accepted to be the private papers of that former President.

The defense is also trying to prove that this special arrangement was accepted by the Rand Corporation and that Rand was in reality only the storage house for these private papers, the "library" for them. Dr. Ellsberg is accused of stealing the papers from Rand, the private "think tank" that does research on contract for the Defense Department.

The three former officials were Paul C. Warnke, then Assistant Secretary of Defense for International Security Affairs, and two of his top assistants, Leslie Gelb and Milton H. Halperin.

Mr. Gelb was head of the study group that compiled the 47-volume Pentagon papers, and Mr. Halperin is currently on leave from the Brookings Institution in Washington to work for the defense as a consultant in this case.

Different Procedures Cited

The points that the defense attempted to make were developed through the cross-examination of Richard H. Best, chief of security for the Rand Corporation, who was a prosecution witness.

Mr. Best, for instance, admitted under cross-examination that the Rand Corporation's procedures in handling the Pentagon papers were quite different from the standard procedures in the handling of other "top secret" documents.

Four main documents were offered into evidence to prove the defense's various contentions ,and all were read to the jury by Mr. Best.

One was a memorandum for Henry S. Rowen, president of the Rand Corporation, which was written on stationery from the office of the Assistant Secretary of Defense and which was signed by Mr. Warnke, Mr. Helperin and Mr. Gelb.

The memorandum was received by Mr. Rowen on Dec. 18, 1968. It set forth the terms of the control and distribution of that particular copy of the Pentagon papers. In all, 15 copies of the papers were made at the time of their completion.

Tho memorandum says that "acccss to and distribution of" that copy of the papers must be approved by two of the three signers of the memorandum and that "access will be granted on a continuing basis to those Rand employes recommended by Rand" but that the three signers should be "informed in advance of Rand's granting access."

The second document consisted of Rand notes on exactly where the Pentagon papers were stored at Rand. One of those notes said that "file No. 85" contains "material in the top drawer to which Ellsberg [then a Rand employe] may have access."

Permission for Movement

This also gives permission to have Dr. Ellsberg "remove this material to S.M. if desired;" that is, Mr. Best testified, to remove it from Rand's office in Washington and transport it to Rand in Santa Monica.

One of the overt acts listed in the indictment against Dr. Ellsberg is that on March 4, 1969, he moved 10 volumes of the Pentagon papers from Washington to Santa Monica.

A third document, a letter from Mr. Gelb to Mr. Rowen, dated Oct. 6, 1969, gives permission to move the papers from Rand's Washington office to Santa Monica "for use by" Dr. Ellsberg. At that time, Mr. Gelb had left the Government and was at the Brookings Institution.

The fourth document was a Rand control sheet listing eight persons at Rand who had been given approval to use the papers. Dr. Ellsberg's name name heads that list, being above Mr. Rowen's. In addition, a handwritten notation, according to Mr. Best, meant that before anyone at Rand could use tho papers, Dr. Ellsberg had to give his "verbal approval."

Dr. Ellsberg and Anthony J. Russo Jr. are on trial in Federal District Court in connection with the release of the secret papers on the nation's involvement in Indochina. They are accused of espionage, theft and conspiracy.

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15 February 1973

ELLSBERG RULING AIDS PROSECUTION

Disputed Security Manual Is Admitted as Evidence

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Feb. 14— The prosecution in the Pentagon papers trial scored a major victory today when the judge admitted into evidence a manual that governs the security arrangements between the Defense Department and private companies doing business with the armed forces.

The Government will now be able to present evidence to the jury to the effect that the copy of the Pentagon papers that the defendants allegedly misused was under the protective cover of that manual and therefore of the Government's regulations and laws pertaining to classified documents.

The ruling by Federal District Court Judge William Matthew Byrne Jr. also had he effect of serving notice on the defense that every important issue of this complex case would be decided by the jury and that the judge would decide few, if any, of the basic points of contention.

The copy was in the possession of the Rand Corporation, a private "think tank," which mainly does research for the Defense Department. The fefense is contending that one of the defendants, Daniel Ellsberg, was authorized to use the Pentagon papers and had a special relationship to them.

Defense Argument

This defense argument is that the copy of the papers that Dr. Ellsberg is accused of copying and helping make public did not belong to the United States Government, but was instead the private papers of three Defense Department officials also in the way that papers in a presidential libarary are the private papers of that president.

The manual that the judge admitted today is entitled "Industrial Security Manuals for Safeguarding Classified Information." Another, entitled "Security Manuals for the Rand Corporation," was also admitted.

The judge's ruling came at the end of four days of legal battling that took place during court recesses out of the hearing of the jury, which this orning was given several extra hours off to allow the two sides to argue the issue.

During most of those arguments over the last four court days, the Government sought to build a "foundation" upon which to have the two manuals admitted.

That is, it was trying to build connecting links between the manuals and the copy of the Pentagon papers that was in the possession of the RFand Corporation.

Today, the Government brought into court four contracts between the Defense Department and the Rand Corporation. None of the four contracts mentioned the Pentagon papers, but the judge finally ruled that the scope of them was broad enough — that is, that any classified documents in the possession of Rand woul come under the security manuals.

The arguments against their admission, made by Leonard B. Boudin and Leonard I. Weinglass, were apparently regarded by lawyers as compelling. Tho attorney for one of the Government's witnesses, a Rand employe, kept telling his client that Mr. Boudin and Mr. Weinglass were scoring "good points."

Dr. Ellsberg is accused of stealing 18 volumes of the 47-volume Pentagon papers from the Rand Corporation.

Defense Evidenee

But the defense contends that the 18 volumes Dr. Ellsberg is accused of having copied were really the private papers of PauliC. Warnke, former Assistant Secretary of Defense for International Security Affairs, and two of his top assistants, Leslie Gelb and Morton H. Halperin. Those copies were sent to Rand by the three men for storage and were not owned by the Government, according to the argument.

Yesterday the defense presented evidence to that effect and to the effect that the three men had given Dr. Ellsberg permission to use the papers and that Rand had accepted the papers for storage.

The corollary to this argument is that the papers used by Dr. Ellsberg were not covered by the industrial security manual and that if he did anything wrong, it was in breaking Rand's regulations, not the law.

Judge Byrne instructed the jury that the manuals had been allowed into evidence only to show that Dr. Ellsberg and the co-defendant, Anthony J. Russo Jr., had knowledge of certain security requirements and of restrictions placed by the Government on contractors such as Rand. He said they were not to be used to define criminal acts, upon which, he said, he will instruct the jury at the appropriate time.

After the manuals were admitted, a prosecution witness, Richard H. Best, chief seucrity officer at Rand, read portions of the manuals to the jury and used slides to show that Dr. Ellsbert had been aware of their contents.

One slide was a Rand document, which said :"I have read the Rand security manual and understand the safeguards which I must apply to classified material." It wa s signed, "daniel Ellsberg."

BALTIMORE SUN
13 FEBRUARY 1973

Morality links Watergate, Pentagon trials

BY MURIEL DOBBIN
Sun Staff Correspondent

Los Angeles—The distance between the Watergate and the Pentagon currently appears to be bridged by morality.

The defendants in two widely disparate cases have in effect offered a plea of morality as a rationale for their behavior.

In the Watergate trial with its hints of White House involvement and evidence of clandestine scratching and clawing during a presidential campaign, the seven defendants were presented as men of high moral character.

They were, it was contended, simply trying to protect their country from either a possible Communist conspiracy or the potential violence threatened by radical leftist groups suspected of plotting against the Committee for the Re-Election of the President.

In the Pentagon papers trial, with its backdrop of an unpopular and controversial war branded "immoral" by its opponents, the two defendants are presented as men of high moral intention.

They were, it is contended, simply trying to protect the right of the American people to know what their government was up to in its foreign policy, especially in Southeast Asia.

And the government case against Daniel Ellsberg and Anthony J. Russo, Jr., oddly parallels the prosecution case against the Watergate seven.

While the defense in both cases climbed to such elevated areas as moral motivation, the government made it clear it could not care less why they did it; all it was interested in was what they did.

In the opinion of the government, what both cases boiled down to where crimes like theft and burglary, theft of top-secret government documents about American involvement in Southeast Asia in the Pentagon papers trial, and burglary of Democratic National Committee Headquarters in the Watergate trial.

As David R. Nissen, government prosecutor in the Pentagon papers trial, put it "motives do not excuse doing something wrong."

There are those who contend that the prosecution approach is hardly beyond reproach in either case.

In the course of the Watergate trial, an obviously exasperated Judge John J. Sirica several times interrupted proceedings and took over questioning himself to elicit facts which he felt were not being brought out by the government.

After the trial was over, Judge Sirica made plain his dissatisfaction with the prosecution handling of the case, as well as his disbelief of some of the evidence on both sides.

With the Pentagon papers trial now entering its fourth week of prosecution evidence, Judge William Matthew Byrne, Jr., already has indicated displeasure with the manner in which the government was handling the case, specifically in relation to its concealment of evidence favorable to the defendants.

"Your record isn't very good," the judge told the prosecutor, hinting that punishment might be imposed by the court on the government as a result of its clandestine behavior.

From the viewpoint of public psychology, the defendants in the Pentagon papers trial may be the recipients of more tolerance than those charged in the Watergate affair.

The Watergate case, festooned like a Christmas tree with accounts of bugged telephones, a pre-dawn raid by men in surgical gloves, a coast-to-coast network of political spies and an apparently inexhaustible flow of new $100 bills to pay for it all, smacked of sleazy political intrigue.

Most people felt that whether the Watergate burglars believed or not that they were saving their country from the Communists and the rioters, what really lay behind it all was the highly partisan objective of getting the President re-elected.

The Pentagon case gives rise to not only the basic pro-and-con-Vietnam arguments but also to how much the provisions of the first Amendment in relation to freedom of speech and press might be damaged by convictions.

In effect, the Pentagon papers case may go far beyond the morality of the actions of the defendants and impinge on the definition of morality itself.

The Washington Merry-Go-Round

THE WASHINGTON POST *Monday, Feb. 5, 1973*

U.S. Military Communications Archaic

By Jack Anderson

Despite the lessons from three wars and the outlay of some $40 billion, our military communications system is sometimes no more efficient than a hand-crank telephone.

Not only is it untrustworthy for carrying vital messages between Washington and the field in time of war, it is unreliable and highly vulnerable to sabotage in time of peace.

This is our conclusion after studying stacks of documents by military communications and internal memos given us by military communications experts at a four-hour meeting recently only a few miles from the Pentagon.

So distressed were these officials by the state of our worldwide military cable, radio, microwave and satellite complex that they risked dismissal in order to reveal to us facts like these:

• Russian trawlers have located our undersea cables by electronic devices and have cut them at least three times in the last 15 years. "They were just practicing for the real thing, and, besides, they wanted us to know they could do it," one of our informants said.

• The Soviet Union has pinpointed virtually every major American communications center where military lines intersect, sometimes simply by obtaining telephone company maps. "Saboteurs know every blankety-blank manhole carrying our long lines," an expert told us.

• The basic "Autovon" voice system is centralized in cities and its lines generally run along roads and railways — all prime targets in case of war. Overseas, the "Autovon" lines and microwave facilities are underprotected. Natives freely vandalize the land lines for copper, which they resell.

• The "Autodin" system for carrying data is so complex it is often useless. Dust or heat enter through cracks in walls and knock it out. Maintenance is costly. A tiny voltage surge can immobilize it for hours.

• The "Autosevocom" network used by hundreds of bigwigs to talk to each other over scramblers requires a page and a half of instructions and is prohibitively slow and costly. We have seen military plans for a simpler system, which was rejected by Pentagon bosses unwilling to admit they wasted millions on the existing system.

• The National Security Agency, which handles top secret communications, became disgusted with the military security network. To improve it, six or seven special security switching systems were ordered from ITT at a cost of more than $20 million. ITT built them, but the Defense Communications Agency design was so faulty that the project was junked. The Pentagon never accounted fully to Congress for the misspent funds.

Deadly Communications

The results of these and other Pentagon foul-ups in the $6 billion a year communications budget are anything but theoretical. Among hundreds of everyday delays, lost messages, garbles and misdirected cables, here are a few of the most disastrous:

• In 1968, two warning messages were sent from the USS Pueblo saying it was under threat by North Korea. Although they were sent for "immediate delivery," it took 1½ and 2½ hours respectively for them to reach Washington authorities. This was one reason U.S. forces failed to rush to the aid of the ship.

• In 1969, the U.S. Command in Korea sent three urgent messages warning that an American EC-121 spy plane was being tailed by North Korean jets. The messages took from a half hour to three hours to reach Washington. By that time the plane was shot down.

The military communications men who confided in us say that in the late '50s, farsighted systems engineers within the administration wanted to set up eight switching centers outside the major cities. These would be less vulnerable to bombing, could handle peacetime civilian loads, and would be available for both civilian and military emergencies.

Interagency infighting and high costs caused a drastic modification of the program. Now, there is much the same sort of squabbling over the promising satellite systems.

BALTIMORE SUN
15 FEBRUARY 1973

Rand Corporation still feels Pentagon papers' aftereffects

By MURIEL DOBBIN
Sun Staff Correspondent

Los Angeles—What Daniel Ellsberg did to Rand, the think-tank by the sea, was enough to make even one of its computers shudder.

Dr. Ellsberg is currently spending his days in a courtroom in downtown Los Angeles, on trial for espionage, conspiracy and theft. But the Rand Corporation, 30 miles away in Santa Monica, is still quivering from the repercussions of the most painful and most publicized incident in its 27-year history.

Rand is the original and perhaps the best known of the non-profit-making institutions where experts in many fields study and analyze the military and social problems of the times.

It is also the storage place of secret government documents, such as those that have come to be known as the Pentagon papers.

And Dr. Ellsberg is the Rand alumnus whose soul-searching on the Vietnam war led him to conclude that his duty lay in exposing what he viewed as the evils of that strategy to the American people.

His method of doing so was to copy Rand's top secret documents chronicling American involvement in Vietnam during four presidential administrations and hand the information over to a newspaper.

Dr. Ellsberg and another former Rand man, Anthony J. Russo, Jr., who helped him, were indicted. The impact on the Rand Corporation was equally dramatic.

Rand's president, Henry S. Rowen, who had persuaded Dr. Ellsberg to work there, resigned almost immediately.

Melvin R. Laird, then secretary of defense, sharply criticized Rand for deficiencies in its security system and placed the Air Force in direct control of all of the corporation's secret papers.

The House Appropriations Committee slashed proposed spending for Rand and similar institutions by 25 per cent.

More than 800 Rand employees lost their top-secret clearance, and those who retained it were no longer permitted to study classified documents at their desks, but had to examinie them in a closely guarded control room.

And to add to Rand's sudden load of sorrows, its chief client, the Air Force, which once was contractor for 95 per cent of the corporation's projects, had reduced its contract funds by at least 30 per cent.

It is hardly surprising that at Rand, Dr. Ellsberg seems to be generally regarded as a man who let his side down.

Those who peer out from beneath Rand's new and thicker security blanket are nostalgic about the pre-Ellsberg era, when "even the janitors at Rand had top-secret clearance. We were all in the vault together, and nobody had to put things under lock and key."

What Dr. Ellsberg did "stunned" the corporation, according to those there now.

They were aware, they concede, that Dr. Ellsberg's feelings on the Vietnam war were made clear in a letter sent to the New York *Times*. The letter stated opposition to the conflict, and was signed by five others, including Mr. Russo.

But it was seen as evidence of Rand's flexibility of approach that while the anti-Vietnam letter stirred unease, there was no official action taken against those who wrote it.

The chief reaction was a letter representing the opposite view, signed by four other Rand employees.

"Around Rand there is the feeling that at least when it comes to security, you follow the rules," one employee said. He explained that Rand workers sign a defense security review form stating that they will not disclose classified information.

"A lot of people feel that what Ellsberg did mostly was violate security," he said.

But another Rand official reflected that the Ellsberg decision might be an example of the line that must be drawn between abiding by the rules and coming to terms with your conscience.

And that is the point emphasized by Bernard Brodie, a professor of political science at the University of California, who spent 15 years working at Rand.

Dr. Brodie, the author of "Strategy in the Missile Age" and the about-to-be-published "War and Politics" has been described as the dean of American civilian strategists.

He describes himself as a "left-leaning" strategist, and as he remembers it, Rand never leaned left in its thinking.

In its post-Ellsberg phase, under its new president, Donald Rice, a former systems analyst from the Federal Office of Management and Budget, there is more emphasis on Rand's domestic division, which applies its skills and resources to social and technological problems of urban life.

But Dr. Brodie suggests that in terms of attitudes, Rand is moving further toward the right.

The Ellsberg incident, to him, raised the question of what a man like Dr. Ellsberg was doing in a place like Rand, he said.

"There was a handful of liberals at Rand, but there were very few pacifists," he said.

After all, Dr. Brodie, pointed out, Rand was generally viewed as the "Air Force's kept woman," since it was established in 1946 as Project Rand, a research institute founded by the Air Force.

And although Rand became an independent non-profit corporation two years later, it remained heavily dependent over the years on the Air Force for its funds.

Dr. Brodie remembers the 1950's, when he first went to work for Rand, when it was not only permissible but popular to be a cold warrior.

And he contended that when Dr. Ellsberg arrived at Rand, he fitted into the corporation remarkably well, as a "gung-ho former Marine Corps officer, a man who was 100 per cent for the American policy on Vietnam."

It was when Dr. Ellsberg went to Vietnam, in 1965, that he underwent what Dr. Brodie called a "kind of Saul of Tarsus thing—a complete swing from far right to far left."

He suggested that part of the revolution in Dr. Ellsberg's thinking might have resulted from his witnessing actual scenes of war in Vietnam.

"What had been an abstraction to him before became the sight of people being hurt or killed," Dr. Brodie said.

The professor suggested with a grin that there was an accurate reflection of the corporation's attitudes in the fact that there were six signatures to the anti-Vietnam war letter sent from Rand to a newspaper.

"From my own experience, and from what I have heard since, I would estimate that there were six anti-war liberals at Rand," he said.

"The hundreds of other Rand workers were probably represented by the four who wrote the pro-Vietnam letter."

Dr. Brodie said the chief injustice done to Rand as a result of the Ellsberg incident was represented by the aspersions cast on its security procedures.

Recalling his work on national security projects at the Pentagon, Dr. Brodie said secrecy control in that building compared unfavorably with that at Rand.

"In my opinion," he said, "Ellsberg could have leaked secret documents from the Pentagon with less risk of discovery than at Rand."

NEW YORK TIMES
6 February 1973

C.I.A. Discloses It Trained Police From 12 Agencies

By DAVID BURNHAM

The Central Intelligence Agency has acknowledged training policemen from about a dozen city and county police forces in the United States on the handling of explosives, the detection of wiretaps and the organization of intelligence files.

The acknowledgment that the C.I.A. has trained policemen from approximately 12 domestic police agencies in the last two years was made by John M. Maury, legislative counsel for the C.I.A., in a letter to Representative Edward I. Koch.

Mr. Koch, a Manhattan Democrat, said that the training activities of the C.I.A. violated the existing law and should be investigated by Congress. He called the matter to the attention of Representative Chet Holifield, Democrat of California, chairman of the House Government Operations Committee, and Senator Sam J. Ervin, Jr., Democrat of North Carolina, chairman of the Senate Judiciary Subcommittee on Constitutional Rights.

Mr. Koch on Dec. 28 had asked Richard Helms, the recently retired Director of Central Intelligence, about the agency's domestic activities after it was disclosed that 14 New York policemen had been trained in the handling of political intelligence files last September.

Responding to Mr. Koch's inquiry, the C.I.A.'s legislative counsel wrote on Jan. 29 that fewer than 50 policemen, "from a total of about a dozen city and county police forces, have received some kind of agency briefing in the past two years."

The counsel, Mr. Maury, said that the training sessions "have covered a variety of subjects such as the procedures for the processing, analyzing, filing of information, security devices and procedures, and metal and explosives detection techniques."

In a statement prepared for insertion in today's Congressional Record, based on both Mr. Maury's letter and an earlier telephone conversation, Mr. Koch described the training as involving "the handling of explosives and foreign weapons, as well as audio control measure techniques."

The Representative said Mr. Maury had explained that "audio control measure techniques" involved the detection of wiretaps and bugs "in which foreign interests are involved."

'No Cost to Recipients'

Mr. Maury said that the C.I.A. "briefings have been provided at no cost to the recipients." He added, "Since they have been accomplished merely by making available, insofar as their own duties permit, qualified agency experts and instructors, the cost to the agency is minimal."

In his request to Mr. Holifield for an investigation by the House Government Operations Committee, Mr. Koch said that "since the C.I.A. is barred by statute from participating in law-enforcement activities in the United States, I consider their disregard of the law most serious."

Mr. Maury, however, in his letter to Representative Koch, said that "we [the C.I.A.] do not consider that the activities in question violate the letter or the spirit" of the law. The National Security Act of 1947, which authorizes the establishment of the C.I.A., provides that "the agency shall have no police, subpoena, law-enforcement or internal-security functions."

Mr. Koch, in his statement for The Congressional Record, said that the C.I.A. had provided him with the names of some of the jurisdictions whose policemen had been trained but asked him "to keep the specific locations confidential because the agency pledged this confidentiality to those police departments."

Though Mr. Koch said the request for secrecy "makes it even more incumbent that the C.I.A. be prohibited from any training of this nature," he did not disclose the locations in his statement. Mr. Koch, however, did make them available to the House and Senate committees he asked to investigate the training activities.

An independent and reliable source has told The Times that in addition to the 14 policemen from New York, the C.I.A. has acknowledged training police officials in Boston, Washington, D.C., Montgomery County, Md., and Fairfax County, Va. It could not be determined where the balance of the juridiction are situated.

WASHINGTON POST
7 February, 1973

Area Police Confirm CIA Aid

By Paul G. Edwards
Washington Post Staff Writer

Officers from at least two Washington area police departments have received training from Central Intelligence Agency specialists in such fields as visual surveillance, bomb disposal and records filing, department spokesmen said yesterday.

John M. Maury, legislative counsel of the CIA, recently acknowledged in a letter to Rep. Edward I. Koch, (D-N.Y.) that the CIA has provided training to "less than 50" policemen from "about a dozen" city and county police forces.

Koch raised the question after reading reports of CIA training of New York City police. He has called for a congressional investigation to determine if the CIA has violated the National Security Act that prohibits the agency from playing a domestic law enforcement role.

Maury told Koch, however, that the CIA regards its briefing of police officers as "consistent" with the Safe Streets Act, which provides for federal assistance to local law enforcement agencies.

A spokesman for the Law Enforcement Assistance Administration, an arm of the Justice Department, said the act is "silent" on the CIA, and that there is no interagency agreement such as those LEAA has with other agencies providing assistance to local police departments.

In his letter to Koch, Maury asked the congressman not to release the names of departments given CIA training because the agency and police officials had decided "by mutual agreement" to keep their relationships "confidential."

Yesterday, however, police officials from all the metropolitan area jurisdictions readily discussed their relationship, if any, with the foreign intelligence-gathering agency.

Col. Kenneth Watkins, chief of police in Montgomery, said some county policemen had requested and received "specialized training in street surveillance" as part of a continuing county effort to combat crime.

"The . . . department receives training from many federal agencies," Watkins said. "Since the CIA is continuously developing investigative techniques abroad, some of which are applicable to local police forces in the U.S., we avail ourselves of this resource."

Spokesmen for the police departments in Washington and Fairfax County said small numbers of officers from their departments had received training from CIA experts.

Arlington and Alexandria police officials said representatives of their departments recently attended a demonstration at CIA headquarters in McLean. The agency, they said, was making available a substance it developed for detecting whether an individual had recently handled metallic objects, such as firearms.

Alexandria Police Chief John Holihan also said he has "a hazy recollection" that one or more of his officers attended another CIA training session.

A Prince George's County police spokesman said no officers from the county department had received CIA training.

Both Washington and Fairfax police spokesmen said no effort was made to conceal the CIA training sessions.

Maury said in his letter that the CIA experts continue to give requested briefings to police officers. In a telephone interview yesterday, CIA administrative aide Angus Thuermer said:

"We're just trying to do a public service, but it looks like your public servants in McLean are going to get hit on the head again."

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PROGRAM EVENING REPORT STATION WCBS TV

DATE FEBRUARY 8, 1973 6:15 PM CITY NEW YORK

CIA AND NYPD

JIM JENSEN: Police Commissioner Patrick Murphy held a news conference today to confirm a report, made public earlier this week, that members of the New York City Police Department had in fact been trained by the C.I.A.

POLICE COMMISSIONER PATRICK MURPHY: From September 11th through 14th, 1972, twelve members of this department visited the C.I.A. to review the management techniques they use to process and analyze raw intelligence data. This department has profited from this exposure. In some real measure, the judgments we exercise, which have resulted in the purging of our intelligence records of old or irrelevant information, as well as information whose usefulness was only of marginal value, were a direct result of our application of some of the theoretical concepts we gained from the C.I.A. as well as other law enforcement agencies.

JENSEN: Manhattan Assemblyman Edward Koch made public the Police Department-C.I.A. involvement. He claims the agency trained local police departments not only in the handling of intelligence files but also in the handling of explosives and the detection of wiretaps as well.

NEW YORK TIMES
11 February 1973

Why Did CIA Train Police?

More than 25 years ago, fearful of the designs of the Soviet Union, Congress authorized the creation of the Central Intelligence Agency. But Congress was also concerned about the designs of the agency, itself, and the National Security Act of 1947 specifically provided that the C.I.A. "shall have no police, subpoena, law enforcement or internal security functions."

Last week, the C.I.A. acknowledged that during the last two years policemen from about one dozen domestic police departments have received "briefings" on a variety of subjects—including the processing of intelligence information, security devices and procedures and the techniques of detecting explosives.

The acknowledgement came in response to an inquiry from Representative Edward I. Koch about a press account last December that 14 New York policemen—including the second highest official in the department—had undergone training by the agency in the storage, filing and retrieval of intelligence data.

The agency said it did not feel the training sessions "violate the letter or spirit" of the 1947 Act. The sessions, it argued, were entirely consistent with the Omnibus Crime Control and Safe Streets Act of 1968 which called upon the Justice Department and "other civilian or military agencies or instrumentalities" of the Federal Government to help state and local agencies fight crime.

Mr. Koch, a Democrat-Liberal with Mayoral ambitions, disagreed. In a letter to the chairmen of the House Government Operations Committee and the Senate Judiciary Subcommittee on Constitutional Rights, he said the C.I.A.'s excursion into local law enforcement was a clear violation of law and should be investigated.

Meanwhile, apparently goaded by Mr. Koch's critical comments and by a pending suit brought in Federal court which challenged the constitutionality of many New York City police intelligence activities, Commissioner Patrick V. Murphy announced that the names of more than a million persons and organizations had been purged from the files and new restriction had been established over the collection and dissemination of such material in the future.

New guidelines were imposed by Commissioner Murphy on what is believed to be one of the most extensive intelligence gathering groups in the United States—a 1972 roster had 361 policemen assigned to the Intelligence Bureau. The changes point up the degree of top-level control that had been maintained over these activities.

From now on, undercover policemen can be assigned to infiltrate such groups as the Black Panthers and the Students for a Democratic Society only if approved by the "First Deputy Commissioner or his special designee."

From now on, intelligence investigations can be initiated only with the specific approval of the Police Commissioner and three designated assistants.

From now on, Mr. Murphy said, the political beliefs or preferences of any potential "object of an investigation shall not, of itself, be justification for the initiation of an investigation."

The Commissioner, who said that as far as he knew New York was the first local or state police agency to develop written guidelines, insisted there was a legitimate and absolute need for the Department to gather intelligence. "However, there is always the possibility that some police practices may infringe on individual rights. The line between public and private interest is so fine that any system which is required to collect information about individuals and groups is susceptible to such infringement."

—DAVID BURNHAM

THE NORTHERN VIRGINIA SUN
7 Feb 1973

Chief: CIA Trained Fairfax Police

FAIRFAX--Police Chief William L. Durrer said yesterday that the Central Intelligence Agency is only one of several federal agencies that have trained county police officers.

Durrer's comment followed revelations by the New York Times Tuesday that the CIA has acknowledged training about a dozen city and county police forces in the United States, including Fairfax, the District of Columbia, and Montgomery County, Md.

The fact that the CIA has been training police forces was revealed by John M. Maury, CIA legislative counsel, in a letter to Rep. Edward Koch, D.-N.Y. Maury said the training sessions "have covered a variety of subjects such as procedures for the processing, analyzing, filing of information, security devices and procedures, and metal and explosives detection techniques."

Koch, in a statement prepared for insertion in the Congressional Record based on the letter and a telephone conversation with Maury, said the training also involved the detection of wiretaps.

Durrer denied that the Fairfax County police receive any training in "audio-surveillance" from any federal agency, "nor has the department requested this form of training in the area of wire-tapping or bugging."

Durrer said that besides the CIA, his department has received training from the Customs Department, BNDD and the Alcohol-Related Firearms Division. Durrer said his department "participates in mutual training exercises under the language of the Omnibus Crime Control Bill, which places federal agencies in support of local law enforcement agencies."

The chief said the Fairfax County Police Department "works very closely with federal agencies in those areas which necessitate cooperation to identify lawbreakers." He said the department "also provides supplemental security to any federal agency in Fairfax County which requests it."

Koch charged the training activities violate a law forbidding CIA involvement in domestic affairs. He said the matter should be investigated by Congress.

He called the matter to the attention of Rep. Chet Hollifield, chairman of the Government Operations Committee, and Sen. Sam Ervin, chairman of the Senate subcommittee on constitutional rights.

Koch Dec. 28 asked Richard Helms, the recently retired CIA director, about the CIA's domestic activities after an article in the New York Times revealed that 14 New York policemen had been trained in the handling of political intelligence files. The CIA's legislative counsel, in response to the request, wrote that fewer than 50 policemen from a total of about a dozen city and county forces has received some kind of CIA briefing in the past two years.

The briefings "have been provided at no cost to the recipients," Maury said. "Since they have been accomplished merely by making available, insofar as other duties permit, qualified agency experts and instructors, the cost to the agency is minimal."

Maury said, "We (the CIA) do not consider that the activities in question violate the letter or the spirit" of the law. The National Security Act of 1947, which authorizes the establishment of the CIA, provides that "The agency shall have no police subpoena, law enforcement or internal security functions."

Koch, however, in his request to Hollifield for an investigation by the House Government Operations Committee, said that "since the CIA is barred by statute from participating in law enforcement activities in the United States, I consider their disregard of the law most serious."

In his statement for the Congressional Record, Koch said the CIA provided him with the names of some of the jurisdictions where policemen had been trained but asked him "to keep the specific locations confidential because the agency pledged this confidentiality to those police departments."

Although Koch said the request for secrecy "makes it even more incumbent that the CIA be prohibited from any training of this nature," he did not disclose the locations in his statement. He did, however, make them available to the House and Senate committees that he asked to investigate the matter.

The Times sources said that besides the 14 policemen from New York and the departments in the Washington area, policemen in Boston have also received CIA training.

Hollifield, responding to a question on whether his committee would act on Koch's request for an investigation, said the question of what matters would be examined this year has not yet been resolved by the subcommittee members and chairmen.

NEW YORK TIMES
8 February 1973

Ex-Head of C.I.A. Backs Its Training Of Domestic Police

Special to The New York Times

WASHINGTON, Feb. 7 — The former director of the Central Intelligence Agency, Richard Helms, told the Senate Foreign Relations Committee today that it was "perfectly legitimate" for the agency to provide training to domestic police forces.

Senator J. W. Fulbright, Democrat of Arkansas, the chairman of the Senate committee, said Mr. Helms had testified at a closed meeting that the agency's training in the use of explosives, and detection of wiretaps and organization of intelligence files had not violated a legal ban on C.I.A. involvement in law enforcement activities within the United States.

"I don't think there was any great harm done" in the training of officers from about a dozen city and county police agencies, Senator Fulbright said. "But I am against the whole concept of the C.I.A. getting involved, even in an innocuous way, in police business." New York City police were among those trained.

The agency's activities came to light earlier this week when Representative Edward I. Koch, Democrat of Manhattan, made public a letter from John M. Maury, legislative counsel for the C.I.A. The letter acknowledged that the training had been undertaken during the last two years.

According to Mr. Fulbright, the committee did not pursue the issue at any length with Mr. Helms because he is now the Ambassador-designate to Iran.

Other members of the committee said, however, that they would seek assurance from the new C.I.A. director, James R. Schlesinger, that the agency will end the training program.

TRUE
Feb 1973

THE ESPIONAGE OCTOPUS

The CIA and our armed forces have spy satellites, foreign agents, far-flung listening posts and the latest in electronic gadgetry. What they haven't got is a way to put it all together

BOOK BONUS/BY PATRICK J. McGARVEY

THE COLLECTION EFFORTS of United States intelligence are directed against three targets—technical details, human thinking, and authoritative documents. The field today is presently dominated by technology.

The spy-in-the-sky satellites are the best-known technical devices employed, but they represent only a mere fraction of esoteric, "black box" intelligence devices in use today. Overall, their "take" is small when compared to the less notorious technical collection systems. This is not meant to belittle the system, however; in one 90-minute circling of the globe the satellites—dubbed SAMOS (Satellite Antimissile Observation System)—collect more information than an army of 50,000 foot spies collects in a year.

The 22-foot high, five-foot round satellite, looking much like a Cuban cigar, is packed with devices that pick up the murmurings of radars, the crackling of radios, the point-to-point secure communications of the world's nations, and the work of Chinese and Soviet scientists at their separate nuclear-weapons and space-research stations. Equipped with a variety of cameras these unusual spies can detect a chalk line on the ground from a hundred miles up.

Launched from Vandenberg Air Force Base in southern California on the average of once a month, SAMOS satellites can be triggered to unload their electronic take in a split-second spurt of energy that can be intercepted at ground stations, replayed, and amount to several hours of electronic intelligence. Their photo-intelligence take is ejected after about a week in orbit and intercepted in midair over the Pacific, where the Air Force enjoys a 70 percent success rate in catching them.

At present, there are two breeds of the SAMOS satellite in use. The first, using a Thor-Agena rocket, makes broad sweeps of the Soviet Union, China, and other target countries from an altitude of more than 100 miles. The second, launched aboard a Titan III-B booster, carries higher-resolution cameras and is normally employed as a follow-up to the first, flying at lower altitudes. In 1970 a total of nine United States reconnaissance satellites were launched. Six of these were the Titan III-B variety and were launched between June and late October, when there was intense United States interest in what was happening along the Suez Canal and at Russian ICBM bases, where a slowdown in construction was spotted and eventually announced by the Pentagon.

United States spy satellite activity has declined in the past several years. In 1968, 16 satellites were launched; in 1969, 12; and only nine were lofted in 1970. Using average times in orbit, the United States had one spy satellite over the Soviet Union on 180 days of 1970.

The Soviet Union launches three times as many spy satellites as the United States. During 1970, 29 recon satellites—each remaining in orbit for an average of eight to 13 days—photographed United States installations on an average of 290 days. Most Americans don't think about being spied upon. The farmers in North Dakota would be surprised to know that the Russians are watching their crops grow with as much interest as they are. The stockyards of Omaha are scrutinized to see how the American beef industry is doing. Many a present-day Tom Sawyer has been photographed on the Mississippi as the Soviet Union keeps tabs on the river's commerce. Lastly, those cocky New York honeys who sunbathe nude on penthouse roofs are no doubt the subject of very close examination by Soviet photo-intelligence experts.

When the Son Tay prisoner-of-war camp raid into North Vietnam flopped, it was revealed that the United States Air Force had practiced for the raid at Eglin Air Force Base in Florida. They went to such elaborate precautions that they dismantled the mockup of the prison camp every morning so the Soviets wouldn't see it in their reconnaissance.

An equally lucrative and more widespread source of technical intelligence is signals intelligence, or communications intelligence, known as COMINT. In essence, this means all forms of intelligence that can be gleaned by listening in to the radio communications of a foreign nation. All forms of a target country's radio communications—be it merchant shipping, industrial development, foreign trade, or internal transportation—are monitored in varying degrees, depending on the country's potential threat to the United States. Obviously, the Soviet Union and Communist China are high priority targets for all forms of communication.

Controlled by the National Security Agency, America's radio intercept network is extensive. There are slightly over 50 stations active in any given time of the day. They are located in at least 14 foreign countries. They range in size from small mobile field units of a company of men, as used in Vietnam, to a sprawling complex of men and machines numbering in the thousands, such as the Air Force Security Headquarters in West Germany. Worldwide, there are approximately 30,000 servicemen manning these listening posts.

These overseas sites are manned and administered by the three services primarily because of the isolated nature of the duty. I spent eight of my 14 years in intelligence in the COMINT business, and most of that time was frittered away on lonely outposts. The most bizarre was a little island, three miles square, sitting on the 38th parallel in the Yellow Sea off the coast of Korea. Sixty of us lived in potbelly-heated tents and worked in sandbagged mountaintop bunkers, our ears covered with headsets and our tape recorders alert to any Chinese Communist activity over North Korea or China. A battalion of Korean marines shared the island with us. Things were pretty dull there, with the major social event of the month being the arrival of a South Korean navy LST on the beach. It brought our food and other supplies. It also brought eight government-inspected girls from Inchon. The Korean marines had a merit system whereby each was given five girl chits a month. If he was a bad boy they took one

of his chits away. It worked! Anyway, the Korean marines would all line up in front of the eight-door garage, in which the girls worked, and use their tickets. By the third day the Korean marines had all spent their chits.

Other depressing sites are northern Japan, the tip of the Aleutian Islands, and the Khyber Pass. The bulk of the men at such stations are young enlisted men on their first hitch.

Every detail of activity intercepted at all these sites is recorded, analyzed and forwarded to NSA for additional study. In cases where encoded traffic is unbreakable, useful intelligence can still be gained from an analysis of the time, length, and recipients of the coded messages. For unusual developments, a message system known as CRITIC is employed by intercept sites. These are used when a sudden development of vital interest to the United States government occurs, such as the Gulf of Tonkin affair, when North Vietnamese torpedo boats intercepted a United States destroyer, or the Soviet invasion of Czechoslavakia. A short message giving the basic facts gleaned from COMINT is sent to NSA under a priority that automatically disseminates the message from its point of origin to the White House and all other interested Washington agencies within five minutes.

My first exposure to the CRITIC system occurred on Pyaeng Yang Do. We had an old reject from World War II, a guy named Davey Pendleton, about 45 years old and unable to hold more than two stripes at any time because of his continuing love affair with the sauce. Old Davey would fill his canteen with gin or vodka each day before setting out for his solitary post in a packing crate that held radio direction-finding and radar equipment. He'd rationalize it as medicinal to ward off the chills. One afternoon the Chinese Communists decided to shift a squadron of MIGs from an airfield just east of Peking to another up in Manchuria. Davey picked them up on his radar, and the guys in the other bunker picked them up on voice radio networks. Davey cranked up his direction-finding gear. His readings of their position showed that they were heading out over the Yellow Sea toward South Korea on a route that would take them directly over our island. Poor Davey panicked and called the young second lieutenant allegedly in charge of us. The lieutenant also panicked and dispatched a CRITIC to our headquarters in Japan and all the way back to the White House. Within minutes the fire gong went off at three airbases in South Korea and Japan, and two squadrons of American jets were scrambled to intercept the MIGs. Navy units battened their hatches and sounded general quarters, and army units lolling along the DMZ were goosed into action by red-alert klaxons. The military command hierarchy throughout the Far East was tensed, ready and quivering. As time went on and the MIGs didn't materialize, a cable from our Japan headquarters asked us to recheck our bearings on the squadron. By this time the major and the captain were on the mountaintop peering into the equipment themselves. They saw nothing other than the normal rotation of a MIG squadron from Peking to Manchuria.

They sent a follow-up message to the CRITIC telling the United States military chain of command it was a false alarm. The major then told the captain that he'd like to see Pendleton in his tent. Davey had gulped down the remainder of his canteen and was in no shape to see anybody. The captain insisted that we pry him out of hiding in the outdoor john and present him to the major. We did, and Davey wobbled into the CO's tent and reported. The major was shocked at the sight of him and asked, "Pendleton, have you been drinking?" Davey elfishly replied, "Sir, I've been known to quaff a wee libation before nightfall to ward off the chilblains." Davey lost both his stripes.

The COMINT land stations are backed up by flying, seaborne, and mobile land radio intercept units around the world. These were necessitated in the 1950s by the massive shift among Communist military units to VHF radio. Complete coverage of their activity demanded that United States units get closer to the transmitters, as terrain features like mountains would impede ground intercept of VHF broadcasts.

Daily in Europe and the Far East, several dozen United States airborne listening posts fly an average of six hours along the borders of Communist countries. Although the exact number of recon missions flown by the military is difficult to trace, the House Armed Services Committee stated in one report that "they number in the thousands annually." Mobile land units maneuver in West Germany, while Soviet army units are in the field, exercising in East Germany or Czechoslovakia. In South Korea similar units operate. The United States Navy keeps 12 to 15 spy ships, such as the *Pueblo*, afloat around the world on extended cruises.

Another form of signals intelligence is known as ELINT —for Electronics Intelligence. This is information collected by NSA from foreign noncommunications, electromagnetic radiations, such as radars. Eighty percent of the take of shipborne and airborne collection platforms is ELINT. The age of electronic warfare dawned after World War II, when sophisticated radar and rocket systems came into their own. War planners at Strategic Air Command headquarters were concerned with the ability of United States bombers to penetrate the Russian radar network undetected. They began to fly missions along the periphery of Russia trying to find the points at which a certain radar set was unable to detect an incoming bomber. Analysis of the pulse rate of the Russian radar would provide data on which the radar set's range and height-finding capability could be estimated. Eventually, war planners made maps pin-pointing the location of all Russian radars, and from this were able to project cones or umbrellas of radar coverage outward from the sites. Routes of penetration could then be planned.

The arena of electronics has been a tremendously dynamic one, however, and a deadly game of defensive measures and countermeasures ensued. American planners developed a jammer to block out Russian radar sets; the Russians developed an anti-jammer. The Americans came up with a false-image projector, and the Russians developed a way to filter that out. The battle goes on today.

Another field of technical intelligence that receives fairly wide publicity is photo-intelligence. The scope of this effort by United States intelligence is far broader than the spy-in-the-sky satellite programs. SR-71 high-altitude aircraft and the infamous U-2 back up the satellite program. Equipped with Polaroid camera systems, these aircraft fly an average of 120-150 missions a month over various parts of the world. They are aimed against national priority targets —in other words, the hottest items in Washington at the moment. The furor in the press in early 1971 about the Russians building a submarine base in Cuba was the type of flap a U-2 or SR-71 would be assigned to cover. This is not to say that these aircraft are reserved solely for crisis situations. They are employed on regularly scheduled missions, such as the routine surveillance of Cuba, and on overflights of Communist China.

More routine targets are covered regularly by the military services, who fly hundreds of photo recon missions a month. Each military unit abroad has its own peculiar photo-intelligence requirements. In Western Europe the Army must be prepared to maneuver against any potential ground threat by the East European or Soviet armies, and their photo-intelligence needs run the gamut from the conditions of the roads and rail networks and the location of possible enemy defensive missile units and airfields to the possible enemy's logistic and communication system. Naval fleets in the Mediterranean and Pacific have a wider range of targets to cover, including not only the ones described above, but also detailed information on coasts, landing beaches, port facilities and tidal data. To err on the safe side is the prevailing philosophy among intelligence staffs. If the aircraft and ships available for photo collection work, they are kept busy collecting. The photo-intelligence game has become just that, a game. It is common practice for an American recon unit to scramble into the air to take pictures of a Soviet recon unit taking pictures of the American unit. A classic photo that passed through the intelligence community right after the USSR started over-flying United States carrier fleets in the Atlantic shows a Soviet reconnaisance bomber flying over a Sixth Fleet carrier task force. The close-up shot of the bomber allows you to see the Soviet intelligence officer in the plastic photo bubble on the side of the bomber. He is in the process of giving the American intelligence officer in the jet fighter the classic middle finger salute.

These programs constitute the lion's share of technical intelligence collection. Others, of limited interest, are carried on. The Atomic Energy Commission equips many military aircraft with radioactivity filters for detecting the atmospheric presence of nuclear particles adrift on the air currents flowing across Communist countries. One friend of mine assigned to Hong Kong routinely collected liver samples from cattle raised on mainland China from an [illegible] slaughterhouse. The

purpose was to detect nuclear fallout over mainland China. I accompanied him one evening to a meeting where he was handed a quivering, bloody hunk of meat that he and I wrestled into a "Baggie." We returned to the American consulate, stapled it to a report form, packed it in dry ice, and shipped it off to Washington for analysis.

Technical expertise is relied upon for a variety of lesser collection programs geared normally to operations. CIA's Technical Services Division (TSD) staff has an unusual collection of men skilled in lie-detector tests, phone-tapping, bugging, and an assortment of other trade-craft skills such as lockpicking, safecracking, and what is known as "flaps and seals" for men skilled in opening mail. One of their feats, often spoken of in training sessions at CIA, was the stealing of the Soviet Sputnik. On a world tour after its successful launch, the Sputnik display was stolen one night for three hours by a CIA team which completely dismantled it, took samples of its structure, photographed it, reassembled it, and returned it to its original place undetected.

Another is the story of the CIA team that stole a sample of King Farouk's urine. The object of the exercise was to determine his exact state of health. To achieve it, they rigged up the men's room of one of the gambling casinos in Monte Carlo with a device that captured the urine flowing through the urinal to the sewer. All of this was done without the knowledge of the owners of the establishment. When Farouk was at the gaming tables, one CIA officer stationed himself on a toilet in the men's room with a peeping view of the two urinals. He gave a coughing signal when Farouk entered and another coded cough telling the men on the other side of the wall which urinal he was peeing into.

The field of human intelligence collections is, of course, the classic arena of the spy. Little has changed in this area of activity since the dawn of time, when intelligence collection became a requirement of tribes or nations. The goal is to find out what's going on in the minds of one's potential enemy. In the United States intelligence establishment there are five elements involved in working with human sources of information. Most active is the CIA's Deputy Director of Plans (DDP). The three military services have their own collection elements, and the Defense Department also runs an elaborate and separate military attaché system. The armed services and the CIA jointly operate Defection Reception Centers and other programs at various locations around the world, and the State Department contributes indirectly to the intelligence process through its routine reporting of contacts with foreign government officials.

The DDP employs all those people who "don't work at CIA." Its staff is all covert with various forms of cover. Most common among CIA's clandestine service is what is known as official cover. I was the Army librarian when I first joined CIA. Other members of my training class had covers ranging from an agronomist with the Department of Agriculture to an educational specialist at HEW. Even this light form of cover requires some fancy double-dealing. I had an office number and telephone number at the Pentagon to back up my cover story. If anyone called me on the number, CIA had a special switchboard set up to monitor the incoming calls. The girls would see what number lit up on their board and answer the phone accordingly with either "Department of the Army Library," "Agriculture Department," or whatever was appropriate. They would then dial my regular CIA office and connect me with the outside caller only after informing me that it was a cover call I was receiving. I suffered a few embarrassing moments when former service acquaintances or school friends would call me on their way through town for lunch. One guy, an Air Force captain, called me for lunch from the Pentagon. I had to pretend I was in the Pentagon too, rush out to the CIA parking lot, ride 20 minutes to the Pentagon, find a place to park, and then meet my former colleague, excusing my tardiness by complaining about a heavy workload at the library.

Wives must play the cover game, maintaining in the most trivial circumstances that their husbands work somewhere other than at CIA. When I first went to work at CIA, the guy who lived in the apartment above me was a captain in the Army, and my wife, over coffee, told his wife that I worked at the Pentagon. So the natural thing happened. The guy came down to our apartment that night and asked me if I wanted to form a car pool, since he, too, worked at the Pentagon. Ridiculous! How do I tell the guy I don't really work there? Well, I played the game and made a flaming ass of myself. I replied with something like, "I'd love to, but I can't predict when I'll get out each evening. Some nights I have to stay in the office for an hour or so to clear up the work." The guy gave me a look of utter disbelief. He couldn't imagine the Army library doing such a brisk trade that its librarians had to stay late to "clear up the work." It all could have ended there, but this guy was desperate. He was sick of the Washington traffic and his wife wanted to use their car during the week so they could avoid the crush of traffic in the Virginia shopping centers on Saturday. My wife had the same complaint. So the guy then volunteers to stay late and wait for me. He even sweetened the kitty by telling me that we could duck over to the Fort Myer officer's club and grab a cold one each night, allowing the traffic to ease before we started home. Now that really appealed to me. Fort Myer is the last bastion of the five-cent large draft beer, and I was making only 5500 bucks a year at the time. So what does superspy say? I tell the guy that I really don't care for car pools, that I'd rather drive myself, and that I just wouldn't feel right letting him stand around for a half-hour or 45 minutes waiting for me. The guy leaves my apartment muttering something about "damned civilians." To make matters worse, we both came out of our apartments every morning for the next year at exactly the same time and returned at night within two minutes of each other. I used to keep track of him in my rear-view mirror each morning, hoping to elude him in traffic before I made the turnoff to CIA instead of staying in the mainstream of traffic heading toward the Pentagon.

This form of cover holds up well in Washington, but has to be supplemented when clandestine service officers go overseas. They usually retain "official" cover by being placed in the State Department, the Agency for International Development, or another appropriate federal agency. When I went to Vietnam I was an economics officer in the embassy. This creates a good deal of friction among State and AID employees who don't appreciate the CIA interlopers and whose wives generally question how the "spooks" always manage to get the best housing for their families. In CIA stations such as Saigon, where the staff numbers in the hundreds, cover all but falls by the wayside and usually is the source of much local humor. CIA staffers in Saigon were given their own jeeps. Problems arose when the overzealous CIA motor pool officer painted them all metallic blue. Driving down Tu Do Street one day in Saigon in one of the blue jeeps, another fellow and I stopped at a red light. A partially drunk American GI standing on the corner looked at us, then at our jeep, and snarled, "I wish I worked for CIA instead of the lousy Army." We drove off congratulating our motor pool officer.

In Taipei, Taiwan, where CIA's official cover was the United States Navy Auxiliary Communications Center, or NACC, my wife and I caught a cab and told the driver to take us to the NACC office. The driver slammed his Toyota into low gear, laid rubber and, as he swerved into the mainstream of traffic, turned to me, gave me a thumbs-up gesture, and bellowed, "CIA, number one."

Commercial cover is also used in selected cases. Men with a particular skill or background are found regular employment with American firms abroad. This is always done with the agreement of the firm's top man-

agement. A friend of mine, a geologist, went to work for an oil company in the Far East, another with the Pacific office of a major bank. They worked a regular eight-hour day for their employers and did their CIA chores at night and on weekends. CIA had an arrangement with the firms whereby salary differences, if any, were made up either by CIA or the firm, depending on the man's position. Men with dependent skills, such as doctors and lawyers, are also set up in private practice abroad.

Lastly, CIA uses what they call "deep cover." Men usually accept such tours for seven- to nine-year periods, and all traces of American governmental or commercial connections are kept to an absolute minimum. They blend into the local landscape and perform only discreet tasks for the Agency. They receive no pay while serving abroad—it's banked for them in the United States or Switzerland. They are prohibited from mixing with whatever American community exists in their area of operation. Two classic cases spoken of frequently in CIA training sessions involved guys who found they could do better for themselves by severing their CIA connection. One man managed to start an automobile battery manufacturing plant in Western Europe. Most of the funding came from CIA's coffers. In a few years, however, he found that the business was quite profitable, so he paid CIA back their original investment and quit to run his CIA-sponsored business. Another guy got CIA to set him up in a plywood manufacturing business on a Pacific island, and he, too, cut the cord once on his feet financially. The Agency was very angry but powerless to do anything about it because of the potential embarrassment to the United States government. Deep cover knows few bounds. CIA has a surprising number of Mormon church members in its employ, and the fact that many of these men had spent two years in a Mormon mission in Latin America or the Far East is not overlooked by CIA. A friend found himself back in the Mormon mission in Hong Kong after his training.

The size of CIA stations abroad varies from two-man stations in places like Chad to stations of several hundred men, as in Saigon. On the average, however, most CIA stations number about 25 or 30 people. They are all organized along the same lines, with the station chief reporting directly to the United States ambassador as his special adviser. Beneath him the station is organized into an operations branch, a reports branch and a support branch. The operations staff usually engages in three activities—counterintelligence, political action and foreign intelligence. The counterintelligence team is primarily concerned with protecting whatever collection programs CIA has under way in the particular country. They focus on keeping tabs on the host government's intelligence arm to see that they don't find out what targets CIA is working on.

Foreign intelligence means simply the collection of positive information of use to the United States government. The greatest portion of a CIA station's effort is directed against such collection. Men in these jobs work closely with all elements of the host government and society, collecting the kinds of information needed to determine what the government is planning. In Saigon, for example, we wined and dined every province chief and battalion commander in the South Vietnamese governmental structure, trying to keep abreast of what particular group might be plotting a coup. In Western nations these kinds of operations are subtle and sophisticated, unlike the CIA operation in Vietnam. Agents are cultivated over a period of years and carefully developed as reliable sources of information. The inducements for such work are rarely the kind of patriotic motives some Americans would suspect. Seldom, if ever, will you find a CIA agent who is a dedicated anti-Communist or a man who believes that the American form of democracy is the only form of government worth having. Normally, CIA tries to find the human weaknesses in a man in a position to supply it with information. In today's modern world this usually involves money or a tendency to chase women. Many agents accept CIA employment and risk treason for reasons as fundamental as keeping up a mortgage payment. CIA has many ways of enticing its agents, from arranging to have the man's children attend college in the United States with all expenses paid to arranging to have the man promoted within his own government by devising situations in which he can be made to look good for his superiors.

The reports section goes through all of the information that the CIA case officers develop in the course of a day's work. Every contact, every phone call, and every conversation must be recorded by the foreign intelligence case officers. These reports filter through a three- to five-man reports section, and the meat of the day's developments is selected for dispatch to Washington by airmail pouch carried by the diplomatic couriers. While the emphasis in all of CIA's training is placed on the careful development of a good agent, the real world operates differently. Case officers are under tremendous pressure to get out the reports. The result is that many of them spend little time developing and cultivating new agents, but, instead, focus on getting a high number of cables sent back to Washington. When promotion time comes—despite all efforts to change the system—the men in the field are judged by the number of cables sent to Washington. Quality doesn't count, just quantity.

The support branch carries on the normal personnel and finance chores necessary to any large organization. Their job, however, is not all that mundane, for operational requirements sometimes require them to come up overnight with a surgeon to tend an ailing head of state, a completely armored limousine for an important government figure, a quick plane trip out of country for an agent about to be burned, or a safe haven for an agent to hide in.

Despite the seemingly adventurous tinge to the job of collecting intelligence abroad for CIA, it should be stressed that the work routine abroad is considerably duller than one would suspect. The typical case officer with CIA spends an entire career without ever actually recruiting a new agent. Rather, he is assigned those already on the payroll when he arrives at a new station. He spends most of his time filling out innocuous contact reports and keeping his operational files up to date with the trivia of intelligence that the bureaucracy requires, such as making weekly assessments of his agent, his problems, his job, and his accessibility to target information, and providing justification for continuation of his agent on the payroll. The typical case officer, too, is somewhat frustrated in terms of promotion and assignment to a level of responsibility commensurate with his age and experience.

The military has been involved in the field of human intelligence since the days of World War II. Its reports have the unique reputation among intelligence professionals as "garbage." Today, somewhere on the order of 3500 United States military intelligence specialists operate abroad, collecting what they deem to be needed intelligence. The Air Force and the Army have two major collection units, one each in Europe and the Far East. Broken into small detachments, they are scattered throughout the areas where United States military units are assigned. The Navy maintains similar units operating out of each of the major fleet headquarters. A goodly portion of their efforts is devoted to the counterintelligence activities necessary to protect the military security of United States bases abroad. It is when they get into the area of collecting positive foreign intelligence that their amateurish methods are most noticeable.

To start with, they are easily identified in a crowd, as most have a tendency to adhere to American military-length hair, wear their GI shoes and T-shirts, and look generally uncomfortable in PX-purchased civilian garb. The military custom of short tours overseas never allows for the development of operatives solidly based in their areas. Their language ability is usually limited, and the rotation policies contribute to the continuation of marginal and even useless sources of information.

In my years of scanning intelligence reports I noted a pattern to American military reports. Any noteworthy event such as the death of Ho Chi Minh or a change in the Chinese Communist power structure would be followed within a week or ten days by a rash of reports from United States military agents, purporting to have the real meaning of the latest development. Most were merely rehashes of the general editorial interpretations of the world press on the subject. The agents, however, claimed they got the information from a party member who got it as the official gospel at a recent special meeting of his party cell.

A lingering anachronism in the field of human intelligence collection is the military attaché system. The United States has more than 1100 military personnel assigned to 85 embassies around the world. The custom of exchanging military attachés, which dates from the 18th century, has long outgrown its usefulness in the field of military intelligence. In Communist countries, particularly the Soviet Union, the attachés are confined to living a ritual in which every one of their days is a staged event. They rarely, if ever, make contact with useful sources of information, and their reports are filled with the cocktail party gossip of a group of Soviet military officers who serve as their counterparts and whose every action and word is carefully designed ahead of time.

In countries such as Laos, Cambodia, and the African and Latin American countries, the attachés have more flexibility in moving around the country and observing its military forces. The information collected, however, could be gleaned at considerably less expense by a well-paid clerk at the embassy who was trained to understand military tables of organization. The concept is that the attaché can "get next to" the military hierarchy of the host country and thus learn all its deepest secrets, its war plans, and its military capabilities and intentions. As pointed out above, this does not work in the Communist countries, where the United States is threatened most directly. In underdeveloped countries the attaché's training does not generally provide him with the ability to understand the local military situation. He is inclined to judge military capabilities and intentions by the classic methods of adding up a nation's infantry, tanks, and airplanes and from there deducing its intentions. The attachés in Laos and Cambodia, in particular, have made little if any solid contribution to the base of knowledge about the military situation in those countries. If anything, my experience in reading United States attaché reports from Laos points to the fact that

they confuse more than they enlighten by applying the Army War College standards to the ragtag Pathet Lao and concluding that the Royal Army, equipped with jeeps, radios, and modern weapons, can easily defeat the less fortunate Pathet Lao. They never seemed to understand the tripartite nature of the Laotian government and were thus unable to tell the good guys from the bad. Their short tours of one year never afforded them the opportunity to get to know the Laotian military hierarchy, so they took everything they were told by Laotian officers at face value and dutifully reported it to Washington.

A lucrative source of firsthand human intelligence has developed since the mid-Fifties with the flow of political emigrants from East to West. Starting with the Hungarian Revolution, CIA established Defector Reception Centers in Europe to process refugees in a systematic manner. Today, three major Defection Reception Centers operate, in Bonn, Miami and Saigon. There, escapees and emigrants from the Communist world are processed thoroughly and debriefed in detail on their former lives.

The staffs of these centers are fairly experienced interrogators in most cases, familiar with the political, economic and social system from which the emigrants are traveling. The greatest volume of traffic through these facilities consists of "low-level" defectors—individuals who simply elected to leave their homeland. Occasionally there is a "high-level" defector—one who has either made arrangements beforehand with a CIA case officer in his home country, has flown out a military aircraft, or has somehow managed to escape. These men are also processed through the reception centers and given a more thorough and detailed debriefing, sometimes requiring Washington to send a team of experts to conduct the debriefing firsthand. Usually these men are granted diplomatic asylum and established financially in the country of their choice.

CIA has an element set up to monitor the outside immigration quotas because of the value of information they provide of defectors allowed to emigrate to the United States. Known as the Contact Division, this unit engages in a wide variety of human collection programs, which are simply a housekeeping operation for the defectors.

More important, Contact Division runs a program of collection which relies entirely on volunteers. They have 35 field offices throughout the United States, and the staffs of these offices maintain accounts files much the same as an advertising agency. They contact the presidents of major corporations who travel widely or individual scholars and scientists who travel abroad in line with their work to attend seminars or other international gatherings. If the men are willing to volunteer their services, CIA will provide them with a detailed list of intelligence requirements from the Washington elements of the community interested in their field of study. These sources are not paid for their services and are not expected to put their lives or their professional reputations in jeopardy. Many of the "students" nabbed by Soviet police are people trying to collect tidbits for CIA. The intelligence community relies heavily on the official reporting of the United States State Department and other federal agencies conducting business abroad. Their daily reports, counted in the tens of thousands, are routed to the intelligence community and are screened by the analysts along with all other sources. These reports provide an insight into the day-to-day workings of the government under study. More importantly, they provide some knowledge of the thinking of the individuals within that government.

Today, two kinds of material are collected in the primary source category—commercial and radio broadcasts and documents such as those picked up from underground headquarters of the Vietcong by American soldiers.

CIA maintains 14 listening posts around the world to monitor the radio broadcasts and press of target countries. They publish a daily compendium of the transcripts of these broadcasts under an arrangement with the Commerce Department. The collection program is known as the Foreign Broadcast Information Service (FBIS). The 14 overseas listening posts in places such as Cyprus, Liberia and Panama operate around the clock. They are staffed by some three hundred CIA editors who oversee the work of local native translators. All 14 listening stations are linked by teletype to CIA headquarters; as the editors scan the daily programming, they select worthwhile items for immediate teletype dispatch to Washington.

In Washington, where the daily report is put out, the FBIS is broken down into geographic areas, with editors selecting the most important items of the day's take for publication. They also maintain an office known as the Radio Propaganda Analysis Branch, wherein men who have been following a particular country for some time scan all of the daily take and put out analyses of the radio broadcasts. This includes the amount of time that Moscow, for example, might devote to the SALT talks and the Middle East situation. Since the Communist countries have a controlled radio and press, the relative importance of a subject to the Communist government can be seen by the weight of radio and press the subject is given. More detailed studies of lengthy speeches by Communist officials are rendered, saving the users of the information the agony of reading through a three-hour Castro speech, for example.

FBIS has become a very important source of intelligence in the past 20 years. It was over FBIS that United States intelligence first learned of Khrushchev's ouster, of the Czech invasion, of most Latin American coups, of Ho Chi Minh's death, and of Nasser's death. All of the FBIS listening posts are able to send CRITIC messages to the White House and have done so on many occasions.

The Vietnam war has resulted in an overwhelming number of Communist documents coming into the hands of United States intelligence. The volume was so great that it was measured in tons in 1966-67. This necessitated the establishment of a document exploitation system so that tactical and long-range intelligence could be extracted from the mass of paper in a systematic and reliable way. Despite the efforts of more than 1500 persons assigned to this awesome task by the United States Army, the problem was never mastered. The variety of documents covers the entire range of paper that you would expect any army to maintain in the field—from medical records to personnel and finance rosters, to the awarding of medals to individuals, and to the detailed studies of battles won and lost. Orders from higher up the chain of command and treatises on how the war was going were also included. At best, the Army was able to provide a one-paragraph summary of any particular document unless someone up the line determined that it should be translated in its entirety. The volume was simply too great for reasonable exploitation of the material, and scholars of Vietnam will have a rich area for research when and if the documentation is released.

It can be readily seen that intelligence collection knows almost no bounds. Every angle is covered. There are major problems throughout, primarily problems of coordination. It is difficult to establish adequate control once collection gets started because of the complex layers of bureaucracy. That is why the United States Army is having difficulty assuring Congress that the files of information collected on American citizens in 1968 have been destroyed. Despite several direct orders from the Assistant Secretary of Defense, the files are still active in several branches of the Army intelligence structure. ■

THE WASHINGTON POST

Tuesday, Feb. 13, 1973

By Jack Anderson

Intelligence Items

Secret Attack — Pathet Lao troops, attacking in battalion strength a few days ago, overran a key U.S. intelligence outpost in the remote northeastern corner of Laos near the Burmese border. Knocked out by the attack was the Central Intelligence Agency's main intelligence base at Nam Yeu for operations into Communist China. Sabotage and reconnaissance teams, operating out of Nam Yeu have been penetrating deep into China's southern Yunnan province. The teams stayed inside China for as long as four to six months, some penetrating as far north as Kunming. The clandestine reports were sent by lightweight sideband equipment to Nam Yeu for translation and relay to Vientienne, and on to CIA headquarters at McLean, Va.

Sea Saga — Secret intelligence reports describe what was probably the last naval action of the Vietnam war. Four missile boats, each loaded with two deadly STYX missiles, slipped out of China and crept down the coastline, carefully staying in Chinese territorial waters until they reached some small North Vietnamese islands north of Haiphong. They tried to hide among the islands but failed to escape detection. On December 17 American A-7 fighter-bombers struck the boats in their hiding places, sinking one and damaging two. The fourth got away.

ST. LOUIS POST-DISPATCH
30 Jan73

Court Forbids Book About CIA

By CURT MATTHEWS
A Washington Correspondent of the Post-Dispatch

WASHINGTON, Jan. 30

VICTOR L. MARCHETTI wants an unabridged right to what's on his mind. Marchetti is a former employe of the Central Intelligence Agency and as such has been denied the privilege of writing his memoirs.

When Marchetti resigned from the CIA in September 1969, he began to write about his experiences and first-hand knowledge of the inner workings of the government agency responsible for international espionage, intelligence and related cloak and dagger activities.

He published a novel, "The Rope Dancer," in 1971 that had as its central plot the perils of a CIA employe who provided secret United States documents to the Soviet Union. This was followed by a magazine article in April of last year entitled "CIA: The President's Loyal tool."

This was followed by a court action by the CIA to stop Marchetti from writing.

Marchetti resisted the suit on the ground that the First Amendment guaranteeing freedom of press protected him from any restraint by the CIA. The case got as high as the Supreme Court, which voted 6 to 3 last December not to get involved.

THE HIGH COURT'S action lets stand and appeals court ruling by Judge Clement Haynsworth that when Marchetti signed an agreement with the CIA in 1955 that he would protect the internal secrecy of the agency, he in effect signed away his right to freedom of expression.

Haynsworth, noting that Marchetti had signed a secrecy agreement when he joined the CIA promising not to divulge any of the agency's classified information, said in his order last May, "We find the contract (between Marchetti and the CIA) constitutional and otherwise reasonable and lawful."

It has frequently been said by legal scholars that the cases rejected for full hearing by the Supreme Court constitute a body of judicial action fully as important as the few cases heard by the court and upon which written opinions are issued.

THIS ASSUMPTION may again be demonstrated in the Marchetti case. The former CIA agent, currently under court injunction not to publish anything about the CIA without prior approval, intends to complete a book about the agency and have it published by Alfred Knopf & Co.

Marchetti said recently that he intended to permit the CIA to review the book, but that if the agency vetoed publication, he would challenge its position in the courts charging violation of freedom of the press.

The issue at that time could be similar to one aspect of the controversy that arose in the case of the Pentagon papers. Can the Federal Government, acting through the courts, restrain publication of material relating to public affairs?

The Supreme Court decided 6 to 3 in June 1971, that the New York Times and the Washington Post — along with a number of other newspapers including the Post-Dispatch — had the right to publish secret Pentagon documents showing that the Government had concealed, distorted and misrepresented facts relating to American involvement in the Vietnam war.

Marchetti insists that none of the material in his books or articles threatens the security of the U.S. or violates the spirit of the agreement he signed in 1955. He has used material that is still classified secret, but in nearly every case it is material that has already been disclosed to the public.

Furthermore, Marchetti contends that the CIA and similar government agencies promiscuously classify material and information for the sole purpose of keeping it from the public and not because it has anything to do with the security of the nation.

"I BELIEVE in intelligence," he told the Post-Dispatch recently, "but not in hanky-panky. International espionage is one thing, but meddling in the affairs of other countries is something else. The whole concept of the CIA has to be rethought, with secrecy kept to a bare minimum. The main purpose of secrecy classifications now is to keep the public in the dark."

Marchetti, who held a number of jobs in his 14-year career with the CIA, including special assistant to the deputy director, the agency's second in command, says that much of the international espionage that goes on is well known to the governments involved but not to the citizens of those countries.

"Hostile governments often conspire to keep information from the people," Marchetti said. "The Russians knew of the first secret U-2 flights over their country in the late 1950s, five days after they began, but kept this information from the Russian people for months just as the U.S. government kept it from Americans. There have been similar two-country cover-ups involving the U.S. and certain South American countries in recent years."

In handing down his ruling last May, Haynsworth alluded to the conflict between the First Amendment guarantees of freedom of press and the need for a government to preserve confidentiality in some of its sensitive international and domestic dealings.

"We readily agree with Marchetti that the First Amendment limits the extent to which the United States, contractually or otherwise, may impose secrecy requirements upon its employes and enforce them with a system of prior censorship," Haynsworth said.

HOWEVER, he balanced this view in favor of the Government by later quoting the late Justice Felix Frankfurter: "Free speech is not so absolute as [illegible] tional a conception as to imply paralysis of the means for effective protection of all the freedoms secured by the Bill of Rights."

The Marchetti case thus stands in contrast to that of the Pentagon papers at this point. In the Pentagon papers case, the high court reasoned that the government had failed to prove that publication actually would endanger the national security, and thus came down on the side of freedom of the press.

In the Marchetti case, the Supreme Court has let stand a lower court ruling that says in effect, the Government's interest in maintaining secrecy is more important than the public's right to know.

It is, from a legal point of view, unfortunate that the Marchetti case came to the high court burdened by two special circumstances: One, his 1955 agreement not to divulge information about the CIA without the agency's approval, and two, his insistence on the right to publish without actually having a manuscript in hand as "Exhibit 1."

The second of these circumstances is scheduled to be erased this spring when Marchetti completes his nonfiction volume on the CIA. The first, however, remains and undoubtedly is a point that the Government will continue to inject as a rationale for controlling and inhibiting Marchetti's work.

IN ITS WRITTEN argument to the Supreme Court last year explaining why the court should reject the Marchetti case, the Government made only scant reference to the First Amendment and freedom of the press. Solicitor General Erwin N. Griswold relied primarily on the point that Marchetti had signed a perfectly legal document in 1955 and that he was fully aware of what he was doing.

If Marchetti butts heads with the CIA on his new book, he and his attorneys must necessarily find a way around the 1955 contract. They insist at this point that it is unconstitutional to apply it in the catch-all manner as the CIA is attempting to do. Marchetti says he can live with the spirit of the contract, but not with its abuse by the CIA.

"The rub in all this," he says, "is that the CIA decides what is classified and what isn't. The effect is an outrage and an abridgement of my freedom of expression not just on classified information but on everything even remotely related to the CIA or its operations."

DOMINION-NEWS, Morgantown, W.VA.
7 January 1973

HERE 'N' THERE

Tonkin incident and principles

With RAY MARTIN

Last Sunday I referred to Camp Peary, which is not far from Colonial Williamsburg in Virginia, and its use for the last 20 years as a training base for the Central Intelligence Agency.

I indicated that strong evidence existed to suggest that personnel trained at Camp Peary provoked the Gulf of Tonkin incident in August, 1964, with a series of massacres of North Vietnamese fishing villages using CIA gunboats. The Tonkin incident led to American air and ground combat involvement in the Vietnam War.

Two days after the Tonkin incident, Walt Rostow said in the State Department dining room: "We don't know what happened, but it had the desired result."

Our government had discovered the way to legitimize the war. By provoking the North in a way that made it look as if the U.S. had been innocently attacked, a wider war could be made palatable to the American public.

Reported activities of the CIA make those of the Army's Counter Intelligence Corps exposed by Sen. Sam Ervin, D-N.C., look like a children's tea party.

The CIA has millions of files on civilians stored by microphotography; has enough military weapons and equipment to outfit two military divisions; is believed to be testing weapons, which include: a laser beam used by "kill teams" to cause bodily deterioration within 24 hours; experimental formulas of psychotropic drugs such as LSD; and various chemical warfare agents. Also on the testing agenda are mini-nuclear bombs.

Reportedly the CIA keeps the mouths of former employes closed through threats against their families, the possibility of being sent to jail on trumped up charges and possibility of death at the hands of another CIA agent.

Unless the Congress itself has been so intimidated by the CIA that it is powerless to act, the national legislature should undertake an investigation which would reveal what a clear and present danger the people of Williamsburg and the nation have been living with all these years.

Today's CIA came into being as part of the National Intelligence Authority established by a directive of President Harry S Truman on Jan. 22, 1946. NIA's mission was to plan, develop and coordinate federal foreign intelligence activities related to national security.

NIA ceased to exist upon creation of the Central Intelligence Agency under the National Security Council which was embodied in the provisions of the National Security Act of 1947. Personnel, property and records of NIA's Central Intelligence Group were transferred to the CIA.

The NSC is composed of the President, the vice president, the secretary of state, the secretary of defense and the director of the Office of Emergency Preparedness.

President John F. Kennedy, appalled at the military incompetence shown by the Bay of Pigs fiasco in the spring of 1961 and embarrassed by the public image it created, was determined to make sure that the covert activities of the CIA did not contradict U.S. foreign policy and that they were not beyond the capabilities of the military.

This determination took the form of what became known as the 303 Committee, taking its name from the room number at the Executive Office Building where it met once a week. Theoretically no covert activity was to be undertaken without advance approval of the 303 Committee.

CIA activities have been shrouded in secrecy — even from members of Congress — and to this day it is authorized to perfrom for the benefit of the existing intelligence agencies such services as the NSC determines can be more efficiently accomplished centrally. Under the cloak of national security, CIA personnel can do anything else directed by the NSC.

NEW YORK TIMES
9 Feb. 1973

Police Erase 960,000 From Special Files

By JOHN MURPHY

A revision of Police Department intelligence activities has already resulted in the purging of 960,000 names and 1,300 organizations from the files of the department's Intelligence Division, Police Commissioner Murphy said yesterday.

Speaking at headquarters, Murphy denied in answer to a question that 12 cops sent to the Central Intelligence Agency last year for "technical and management assistance" went there to become "better snoopers." He said the 12 officers had gathered no "substantive information" in their "visit" to the CIA from Sept. 11 to Sept. 14.

CIA Is Criticized

The CIA has drawn criticism for training cops from about a dozen cities, including New York, in the fields of explosives handling and wiretap detection.

Murphy said that since the current overhaul of police intelligence activities began in November 1970, some 1,200,000 names in Intelligance Division "indexes" has been cut to 240,000 and a list of organizations has been slashed from 1,500 to 200.

He said the overhaul of the division, which is scheduled to end in two weeks, is "to lighten up the delicate balance between protecting the public and protecting the privacy of the public." The new guidelines will be announced when then the overhaul is completed, he said.

No Funeral Photos

One guideline, he said, will stop the police photographing of persons attending funerals of mobsters or other notorious persons unless the commissioner or certain other top police officials approve in advance.

All intelligence files will be revaluated every two years and pruned of all names deemed no longer necessary for intelligence purposes, he said.

CHICAGO TRIBUNE
6 February 1973

Bill Anderson

CIA chief: Harvard man of action

WASHINGTON—For the first time in its checkered 27-year existence, the Central Intelligence Agency is getting a director who qualifies not only as an intellectual from Harvard but as a hard-hat management expert.

He is Dr. James R. Schlesinger Jr., who has been confirmed for the post with a great deal of bipartisan support in the Senate. Schlesinger is a pipe-smoking ex-professor and ex-chairman of the Atomic Energy Commission and the father of eight. Before Schlesinger left the commission one top division chief said of him, "He seems to be that amazing combination — an intellectual man of action."

One Democratic senator not noted for lavish praise said the new CIA chief "has to be one of the administration's best appointments."

The move fits a new kind of thinking in Washington that world power is undergoing drastic shifts because of a dismal Russian economy. The economic situation is so bad it is straining the Soviet Union's relations with its satellites. Part of the Russian problem is poor management which affects the distribution of energy.

Schlesinger rates as the administration's foremost expert in the field of energy. He knows about oil in Iran, where former CIA Director Richard Helms is being sent as an ambassador, along with the worldwide flow and transmission of energy.

Schlesinger's educational specialty was economics, and he earned a doctorate. He became an associate professor of economics at the University of Virginia. His association with the government began when he became director of strategic studies for the Rand Corporation, a private organization which has done "think tank" work for the Pentagon.

The Nixon administration recruited him in 1969 as an assistant director of the old Bureau of the Budget so he could set up the framework for a national energy program. He was acting director of the budget office as it made the shift to a bigger role in government as the Office of Management and Budget for the President.

When Schlesinger became AEC chairman in August, 1971, he started shaking up the long-entrenched burocrats with 16-hour working days and informal, open-door policies. On one occasion, Peter Lisagor of the Chicago Daily News complained about heavy security and signin restrictions at the AEC headquarters—and Schlesinger promptly dropped the requirements as outdated.

He also shocked some officials by insisting the AEC stop pushing so hard for nuclear electrical plants on the grounds it was forcing the country to put its energy eggs in one basket. Altho some people compare him with the "whiz kids" of the Kennedy days, Schlesinger made his mark with Congress by leaning toward a common sense approach to decision making.

In a paper prepared for the Senate Subcommittee on National Security and International Operations, Schlesinger wrote during the era of Robert S. McNamara at the Pentagon:

"What one sees depends upon where one sits—an earthy way of describing what is more elegantly referred to as cognitive limits; . . ."

Some other thoughts of Chairman Schlesinger: "The political process being what it is, it is hardly advisable to admit error in public; that would be too costly. Human emotions being what they are, it is also unlikely that error will be admitted in private. . . . Questioning and self-doubt lead to Hamlet-like decision-makers. . . . Why throw the baby out with the bathwater? . . . The more political a study, the less likely is it to be pure."

Put that in your pipe and smoke it while wondering how well the CIA will service the government under Schlesinger's leadership.

WASHINGTON POST
15 February, 1973

Disclosure Rules Eased by Agency

By John P. MacKenzie
Washington Post Staff Writer

The Justice Department changed its Freedom of Information regulations yesterday to make it a little simpler and less costly for the citizen to fight the department for access to secret documents.

New rules published yesterday do not, however, make it more likely that the citizen will win his battle, either in pleas to the department or in a lawsuit if the dispute reaches the court stage.

Under procedures effective March 1, the citizen demanding to see a document is entitled, within 10 days of the request, to a written explanation from the Justice Department official who turns him down. An appeal can be taken to the Attorney General, who must act within 20 days, after which the citizen can sue under the 1966 Freedom of Information Act.

Responding to congressional complaints that the government was making prohibitively high charges for copying documents, the department scrapped a $3 fee formerly required for each inquiry and lowered the cost of each page duplicated from 25 cents to 10 cents.

Outgoing Assistant Attorney General Roger Crampton said it had been a "scandal" in government that some agencies charged enormous fees for compliance with the information act and thus deterred individuals from seeking compliance.

Crampton said the Justice Department's rules were not binding on any other federal agency but that since the department's lawyers represent the other agencies in lawsuits, Justice officials have "some clout" with those federal bureaus.

The rules require that denials be explained in terms of one of the nine exemptions from disclosure provided in the 1966 law.

The government won a major test of the scope of the national security exemption last month as the Supreme Court ruled, 6 to 2, that 33 members of Congress were not entitled to have a judge inspect documents stamped "secret" to see if the secrecy was warranted.

Crampton, responding to a question, labeled as "too extreme" a concurring statement of Justice Potter Stewart in the test case that Congress had built into the act "an exemption that provides no means to question an executive decision to stamp a document 'secret,' however cynical, myopic or even corrupt that decision might have been."

Crampton said he feared that statement, which went farther than the department's own argument or the high court's majority opinion, might provoke a move in Congress to amend the act. Such a move has been reported under consideration.

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NEW YORK TIMES MAGAZINE
4 FEB 1973

The classifiers of classified documents are breaking their own classification rules

By Theodore Draper

The problem of classified documents, which has so bedeviled the Government, scholars and journalists—not to mention Daniel Ellsberg, Anthony Russo and Prof. Samuel L. Popkin—is usually discussed in a political vacuum. The three main questions hotly debated in scholarly circles are: Who should classify? What should be classified? How long should it remain classified? Whatever the right theoretical answers may be, however, they can have little to do with the real world of classified documents.

In practice, the rules are largely irrelevant or illusory because there is a privileged group that does not abide by them. This group has existed for a long time; its members have systematically violated their own code with impunity and often for profit. They have created, controlled and benefited from a system which is shot through with duplicity, hypocrisy and favoritism. These are strong words, I know, but I use them advisedly.

Who are the guilty ones? None other than the custodians of the classified documents. My own experience has convinced me that they, more than anyone else, constitute the main problem. The case which happened to concern me is worth relating for two reasons: It is absolutely classic in its revelation of how the real system often works; it can be fully documented from beginning to end.

The story may be told as it actually happened. About two years ago, I was asked by the Political Science Quarterly to review a new book, "Intervention and Negotiation: The United States and the Dominican Revolution," by Prof. Jerome Slater. When I read the book, I was astonished to find that about half of it was largely devoted to a running polemic against my own work in which I had been highly critical of United States policy during the Dominican revolt of 1965.

I was also astounded to learn from Professor Slater's preface that he had been given access "to a great number of papers, memoirs and documents which are not now in the public domain"—in other words, classified documents. In return for this favor, Professor Slater had promised to use the material on a "not-for-attribution" or "no-direct-citation" basis. He was not required to submit his manuscript for clearance or approval.

I did not think that it was proper for me—now, so to speak, an involuntary "interested party"—to review the book. Instead, I offered to write a reply, not a review, discussing the issues raised by the book. Professor Slater tried to prevent the publication of the article without success. It appeared in the Political Science Quarterly of March, 1971.

The more I thought about it, the stranger the whole thing became. Here was a book, written by an academician, put out by a reputable publisher, attacking a book of mine on the basis of material which I could not consult or check. There was no way to know whether he had used the material fairly. Even if he had invented it, no one could be the wiser, though that was not a possibility I seriously entertained.

My own book, "The Dominican Revolt: A Case Study in American Policy," which had appeared in 1968 but was based on articles mainly published in Commentary magazine in 1965-66, made use wholly of open sources, all of them given to the reader so that he or she could make up his or her own mind about the reasons for my reconstruction of the events and my views about them. To be attacked by someone who knew where everything I wrote came from but did not reveal where much of what he wrote came from did not seem altogether sporting.

But Professor Slater was not the first or the last to benefit from this extraordinary favoritism on this very subject. In 1966, the Center for Strategic Studies at Georgetown University had brought out a book, "Dominican Action—1965," which had also advertised that it was based on "restricted" sources. This book was backed by a committee of three well-known former United States diplomats and two Georgetown University professors.

And while I was reading Professor Slater's book, I already knew that a third study of the very same subject, based on the same classified material used by Professor Slater, was on the way. This one, "The Dominican Intervention," by Abraham F. Lowenthal, has since been published by the Harvard University Press.

Still a fourth book which dealt in part with the same events on the basis of much classified material belongs in a somewhat different category because it was written by one of the actors in the story. It was "Overtaken By Events," by John Bartlow Martin, President Kennedy's Ambassador to the Dominican Republic and President Johnson's hapless special emissary at the time of the revolt. Two or three other books might be added to the list. They were done by journalists who somehow or other managed to make use of some classified material. And, it should be remembered, we are now dealing with a single episode in American foreign policy in the last decade.

All this seemed almost too much of a good thing. Or was it a good thing? Here were at least three books with some scholarly pretensions, one of them in good part directed against me, based on classified documents, obviously made available to the authors by high officials of the State Department. Yet I could not see the same material to defend myself or merely to check the books for accuracy.

Or could I? After finishing Professor Slater's book, I decided to make myself a test case. I made up my mind to give the system a chance, to abide by all the rules, to do everything openly and legitimately. After all, I did not have to prove that at least two books (Lowenthal's had not yet appeared) had used classified material; they had boasted of it. All I wanted was the same privilege.

So I wrote to Dr. William M. Franklin, Director of the Historical Office of the Department of State, the following letter:

"I have just finished reading a recently published book by Jerome Slater entitled 'Intervention and Negotiation: The United States and the Dominican Revolution,' published by Harper & Row.

"Professor Slater takes issue with me—I had put out a little book, 'The Dominican Revolt,' in 1968—partly on the basis of documents not now

Theodore Draper, a historian now residing in Princeton, has written "Abuse of Power," "Castroism: Theory and Practice," "The Dominican Revolt" and other works.

in the public domain, as he explains [in] his preface. These documents were evidently made available to him by the Department of State....

"Professor Slater's book seems to be the second one which was able to make use of 'restricted' primary sources, obviously originating in the Department of State. The first one to my knowledge was 'Dominican Action—1965,' issued by the Center for Strategic Studies, Georgetown University, in 1966.

"I, therefore, ask for the same privilege to consult and use these documents or materials bearing on U.S. policy vis-à-vis the Dominican Republic in 1965. I will come to Washington at your earliest convenience."

Dr. Franklin took only a week to reply. He assured me that the Historical Office had not made any records pertaining to the Dominican crisis available to Professor Slater or to the Center for Strategic Studies of Georgetown University. He promised to investigate and to write me again as soon as he knew the facts.

I promptly wrote him a second letter which went over the ground again in more detail and which read in part:

"If they [the authors of the two books] did not get them [classified cables] from your office where did they get them? I applied to your office because I considered that the department has given your office the responsibility for its records. But if they can be obtained elsewhere, what is one in my position to do? Complain to the Secretary of State?"

The right place to complain apparently was the Assistant Secretary of State, not the Secretary. Dr. Franklin replied 10 days later to the effect that since the Historical Office had had no contact with either Slater or the Georgetown group, he was referring my letter to the Assistant Secretary of State for Inter-American Affairs, Charles A. Meyer. So I started all over again with Mr. Meyer. Another letter from me ended as follows:

"This is a question which goes to the heart of scholarly work in contemporary history. Criticism has been made by eminent scholars of the existing regulations. But it is a scandal when the existing regulations are not equally and fairly enforced in the short period of five years.

"I respectfully request, therefore, a review of the applicability of the existing regulations in my case. It is, admittedly, a special case—but it is special only in the sense that it is a documented case of how inequitably and unfairly the present system works."

Mr. Meyer mulled over the problem for a month. Then I received this letter from him:

"I have given your letter of Dec. 27, 1970, considerable thought, and I appreciate the reasons for your strong feelings on the matter of equal access by scholars to government documents.

"I do not feel, however, that my personal sympathy for your position can override my responsibility for adhering to the regulations regarding access to classified material. ...I think strict and uniform compliance with these regulations is the only proper course. I recognize that in the particular circumstances of your case, this may seem to be turning a deaf ear to an otherwise reasonable request.

"I sincerely regret that the regulations do not allow me to be more forthcoming to your request, but I hope you will understand my unwillingness to assume responsibility for remedying the actions of predecessors when, as appears to be the case here, the cure would require a fresh departure from the regulations."

I thanked Mr. Meyer for his courtesy and candor. I took his letter to be a dead end. But one thing had been gained. As I read Mr. Meyer's letter, it came as close as could be expected in the circumstances to confirming that his "predecessors" had violated their own regulations regarding access to classified material. It should be remembered that those "predecessors" had acted less than three years earlier. I did not think that every Assistant Secretary of State should behave as if the United States Government in general and his department in particular were totally bereft of continuity and had no obligation to take so many precedents set so recently by previous officials into consideration. But there did not seem to be anything else I could do.

Later I learned how Professor Slater had obtained access to the classified material. At least part of the story came out in a recent study called "Classified Files: The Yellowing Pages," made by Carol M. Barker and Matthew H. Fox for The Twentieth Century Fund. Slater told them that in the spring of 1967 he had asked a State Department official with whom he was personally acquainted for an opportunity to see the State Department records of the Dominican crisis. After some time had passed, Slater was informed that he could see the classified files, at that time only two years old. He had bypassed the Historical Office. Neither his notes nor his manuscript was reviewed for breaches of security. He was told by the State Department that there were only two restrictions on his use of the material—he could not quote directly from it or acknowledge his use of it. So much for the ardent zeal with which "security" is protected. Presumably much the same procedure was followed in the case of Dr. Lowenthal.

Slater claimed that he was not told why he was given privileged access to the classified files. But he surmised, not without reason, that those in the senior levels of the department "genuinely believed that their policies and actions had been misunderstood and misrepresented, and fervently felt that if the whole truth were known, and honestly reported and evaluated, the public assessment of their policies would be very different." In plain English, the senior levels of the department wanted Slater to go after me and thought that they could give him the ammunition to fire away by making the classified documents available to him.

I don't think that Slater made a particularly good job of it, though that is for others who read his book and my reply to decide. In any case, the senior levels of the department must have been sorely disappointed by his book. Despite his efforts to undermine what I had written, he came out in the end almost as critical of United States policy as I had been and for much the same reasons. To Slater's credit, it must be said that he took the material and ran. He must have made his friend or friends in the State Department happy only in the first half of his book, not in his concluding chapter. Lowenthal's book was probably equally disappointing.

From a scholarly point of view, these two books show how dangerous this under-the-table practice can be. Both sometimes refer to the same document without giving exactly the same version of what is in it. Yet no one else can check on them to find out just what the document did say.

I can well understand why these young scholars agreed to use classified material under conditions that I consider to be unscholarly and onerous. They were as much victims as beneficiaries of the present system. The scholarly competition is extremely keen, and anyone can justify playing this kind of questionable game on the ground that everyone else plays it—or would if he could.

The Twentieth Century Fund study came to this conclusion: "The Dominican case is significant for its illustration of Government practices. State Department officials ignored the department's own rules for access to its own records; they clearly played favorites; and they violated the regulations for use of security-classified records."

It was not always so. When William L. Langer and A. Everett Gleason wrote their studies of pre-World War II foreign policy in the early nineteen-fifties, "The Challenge to Isolation" and "The Undeclared War," basing them on classified documents, they were able, according to Professor Langer's letter to The New York Times Book Review of Dec. 20, 1970, to get all such documents used by them automatically declassified. Interestingly, the only trouble encountered by them came from the Latin-American Desk.

If the previous practice were followed, much of the trouble would be avoided. For there are two main problems with the present system: (1) it withholds too much, for too long, and (2) it is not fair and equitable. The second problem is more easily solved than the first. But as long as the second problem persists, the first is often ren-

dered nugatory. The material in the documents gets out but in the worst, most tendentious way imaginable. Not only do supposed servants of the people decide the people's fate but they reserve the right to decide when and how and what the people are going to learn about their fate. That is what more than 90 per cent of the classified documents are all about. We could live with the other 10 per cent if something could be done about the 90 per cent.

The real culprits are the high officials who use classified documents as political weapons. This practice is not restricted to the State Department. One of the most crucial and damaging (to President Johnson's Dominican mythology) documents of the Dominican crisis was shown to a well-known Washington correspondent by a high C.I.A. official who presumably was not enchanted by the official policy. A portion of this document was quoted by the correspondent in a contemporary newspaper article and later in a book. Of course, the correspondent would have been out of his mind not to have taken advantage of this beneficence.

Another case in point was "The China White Paper" put out by the State Department in 1949. Its purpose was manifestly political—to counteract the attacks made on the Truman Administration's China policy. Towards this end, former Secretary of State Dean Acheson declassified 642 pages of documents, most of them in the "Top Secret" category. But at least the documents themselves were made available, and from a scholarly point of view, they were pure gain, even if they left something to be desired in the way of completeness.

In the case of the Dominican documents, the practice vitiated whatever scholarly use they might have had. Not only were the documents themselves not made available, but the authors were not permitted to quote from them or to identify what they were using. It is of the essence of scholarly work that other scholars should be able to check on the material or to arrive at their own interpretations from the given body of evidence. A half-world of quasi-scholarship has been created in which the canons of traditional scholarship are perverted and, in the end, no one can be quite sure what was in the documents anyway.

Congressional committees are not without fault. The Senate's high-minded Committee on Foreign Relations held closed hearings on the Dominican crisis and classified the testimony. But one member of the committee invited two of the best-known Washington correspondents to look at the testimony *sub rosa*, locked in a room with pencils and pads, and permitted to take notes (for only one hour!). Their articles on the closed hearings appeared the next day on the front pages of their newspapers. When I asked for the same privilege, it was sanctimoniously denied.

THE more powerful the official, the less the classification system restrains him. The Presidents of the United States are in this respect the worst offenders. They seem to consider the entire system a convenience to give them a monopoly of state secrets until they are ready to get out their memoirs—for which publishers bid in the six- and seven-figure range. If everyone followed the example set by Presidents, the classified files would be raided en masse and not a shred left of them.

But Assistant Secretaries have also been known to take advantage of the rule that the classifier can also declassify. The same Assistant Secretary who has classified hundreds, if not thousands, of personal documents during his stay in office may, and has, declassified as many of them as he thinks necessary for that book he has in mind just as he is about to leave office. And if he is too squeamish to quote verbatim, he can always paraphrase.

The New York Times recently requested the declassification of materials relating to a number of foreign-policy questions. One of them, according to The Times's account of Nov. 22, 1972, pertained to "comments of the Joint Chiefs of Staff on the Bay of Pigs invasion." Among the requests that have not been granted was this one. If The Times's researchers will look at pages 187-190 of Gen. Maxwell D. Taylor's recent memoirs, "Swords and Plowshares," they will find just what they are looking for.

How did General Taylor happen to know so much? He was chairman of the committee appointed by President Kennedy to investigate the Bay of Pigs fiasco. His book contains an entire chapter which patently paraphrases his committee's report. If the report can come out in this form, why should it be withheld from The Times? Was the report declassified for General Taylor and no one else? Or didn't he bother to get its declassification?

THE highest public officials in the land have set the example and established the tradition of using classified documents for political purposes. It is only when the example and the traditions are used against them that they call for the police, the handcuffs and the courts to uphold the sanctity of the law and the inviolability of Government regulations. It is precisely this double game that degrades the law and makes a mockery of "security." If a plaintiff is supposed to come into court with clean hands, the Government's hands could not be dirtier.

The double game is rampant in Washington. For this reason there are actually two systems of classified documents. One is abstract and theoretical. The other is real and political. The arguments over first principles and fine points invariably concern the former. "Do you *really* mean that *nothing* should be classified?" "For God's sake, where are you going to stop?" The answers to such questions are not so difficult if the real, the political system is kept in mind.

(1) Nothing should remain classified if the classifiers themselves do not abide by the system of classification. Whenever a classified document is made public by those in a privileged position, that document should be automatically declassified. As long as the highest officials in the land habitually use classified documents as political weapons, they cannot in good conscience deny the same use to their critics without debasing and perverting the rule of law. Every victim of the present system of classification testifies to the politicalization of the entire process and to its degeneration into a system of special privilege and bureaucratic decadence. The system needs cleaning up; it does not need more victims.

(2) Where should classification stop? It should stop at the borders of personal interest and partisan politics. The system of classified documents has become a scandal because it has been made to serve one-sided personal and political ends. If the system were purged of personal self-interest and political manipulation, many if not most of the present discontents would be greatly mitigated. There would still be problems, to be sure, but they could be held within manageable limits and at least we would be spared the present flagrant inequities and hypocrisies.

The case of the classified documents in the United States is remarkably similar to that of the woman charged with violating the antiabortion law in France. According to the report in The New York Times of Nov. 24, 1972, her action was defended in court by a French doctor, who was the dean of a Parisian teaching hospital, a practicing Catholic and an opponent of abortion on principle. But he believed that it was sometimes the best solution, and he testified that he himself occasionally performed abortions when the circumstances warranted them. The French Minister of Health summoned him imperiously for an official rebuke. The doctor protested that well-to-do women obtained abortions without risk, only the poor suffered from the law. Whereupon the Minister admonished the doctor that this was "not a reason why the vices of the rich should be made equally possible for the poor."

In American terms, this is the kind of double-bookkeeping which, as in the case of the classified documents, protects the vices of the higher officialdom and persecutes those who are guilty of nothing else but following their example.